The New-Yorker

BY H. GREELEY & CO. OFFICE No. 1 ANN-STREET. FOUR DOLLARS PER ANNUM.

VOL. VIII. NO. 17. NEW-YORK, SATURDAY EVENING, JANUARY 11, 1840. WHOLE NO. 199.

For The New-Yorker.

THE KNIGHTS OF ST. JOHN.

A DRAMATIC SKETCH.

BY MRS. E. F. ELLET.

[The great German poet Schiller, has left a fragmentary plan of a tragedy on the subject of the famous repulse of the Turks by the Knights of Malta, under Lavalette—which he never completed. The perusal of his outline suggested the idea of the following sketch. For a notice of the event, which is one of singular historical interest, the reader is referred to the Encyclopedia Americana—article *Lavalette*—where he will find mentioned fuller authorities on the subject.]

SCENE I.—*An open Hall, with a prospect of the harbor. Romegas and Biron are quarreling for the possession of a Greek prisoner.*

ROM. Away with thee! The prize is mine. Dispute
My falchion's prize?

BIR. Thus, then, I give her freedom;
Let her say whom it is her choice to follow.

ROM. Off! she is mine, by all the rights of war!
I took her from the Corsair's ship.

BIR. Who knows
To win free hearts—doth scorn the robber's right.

ROM. Back to St. Elmo! yonder is your place.

BIR. Here is the battle, here the battle's guerdon.

ROM. Coward! 'Tis easier here to steal our slaves
Than to defend your fortress from the Turk!
Obey your officer!

BIR. Ha! you command
Among your ships—not here!

ROM. Traitor—do honor
To the great Cross upon my breast!

BIR. This small one
Covers a greater heart!

ROM. Boastful and false
Your cursed Provençal tongue!

BIR. The sword is sharper! [*Draws—Romegas does the same; other Knights enter, and encourage them*].

1st KNIGHT. The Spaniard has the right!

2d KNIGHT. Down with the vaunting
Son of Provence!

3d KNIGHT. Down with the haughty Spaniard!

Enter LAVALETTE, MIRANDA *and other Knights*; LAVALETTE *steps between the combatants.*

LAVA. What means this? Shame! Romegas! Biron! hold!
Nay—not a word—or, by the Heaven above us,
He shall pay dearly for this broil! For shame!
Are there not foes, even at the Island's gate,
But you must save the infidel the pains
Of letting Christian blood! Begone! [*Exeunt* ROMEGAS *and* BIRON]. My friends!
The messenger from Sicily! [*showing* MIRANDA]. Ye have clung
Too fondly to the hope of aid from Spain,
When nothing was secure to us, save honor,
And our most holy faith!

SEVERAL KNIGHTS. What are his tidings?

LAVA. The noble Viceroy of Sicily,
Where lies the Spanish fleet, we long have wished
To aid us in this most unequal war,
To drive the common enemy from our shores—
In answer to our prayers—[*to* MIRANDA.] Go on!

MIR. He grieves
Most deeply that, constrained, he must refuse
The promised succors, while St. Elmo lies
Belesgured by the Turk. That fort commands
Both harbors; and 'twere madness to conduct
(While they possess its out-works, and to-morrow
Perhaps the fortress)—'neath the enemy's eyes
A hostile fleet. Drive from St. Elmo's walls
Mustapha's troops—and Philip's aid is yours.

A KNIGHT. Curse on your policy! when we have won,
The battle, ye will help divide the spoils!

LAVA. You may depart, Miranda:

MIR. By your leave
I will remain in Malta.

LAVA. You are welcome
In such scant hospitality as soldiers—

MIR. Nay, you mistake me—I would share your toils,
And win or lose with you.

LAVA. Then doubly welcome—
A brother of our order! [*Embraces him. Enter attendant*].

ATTENDANT. Four knights come
To speak with the Grand Master.

LAVA. Let them enter.

Enter Four Knights.

Our brethren from St. Elmo, what news bring ye?
Speak, Crequi! by your looks, 'tis nought of good.

CRE. You have guessed rightly.

LAVA. Is the fortress stormed?
Yet no—for ye are here!

CRE. 'Tis ours as yet—
But in extremity, in which avails
No human force to save it. We have lost
The out-works—and sad breaches in the walls
Already give the foe a sore advantage.
We come, and in behalf of all, to entreat
Permission to abandon to its fate
What can no longer be defended.

LAVA. Now
St. John forbid!

CRE. Give us some other post;
The citadel! Concentrate there your forces—
Waste not true Christian blood without avail,
Nor weaken by a desperate enterprize
The strength of our whole body. Nay—the Turk
Laughs at our obstinate foolhardiness.

LAVA. [*Scornfully.*] His counsel should be honored—sure!

CRE. Yet hear me.
But yester eve they ventured an assault—
We drove them back with loss—but there remains
A prisoner in their hands—St. Pierre—

LAVA. St. Pierre?

CRE. Ay, that most noble, that most gallant youth,
Whom I am proud to love—in form and soul
A young Rinaldo. All did love him well
You loved him, Lavalette?

LAVA. Alas! St. Pierre!
A pensioner on Mustapha's tender mercies!

CRE. Not so—the Corsair chief, who captured him,
Offers with other captives to restore him,
When we give up St. Elmo!

LAVA. [*After a pause.*] It must not be;
Ye know already we can never hope
Succor from Sicily, if St. Elmo falls.
Return and do your duty. If the foe
Be driven to take the citadel by storm,
you defend it bravely—certain loss
Is sure to be their portion. Weak, disheartened,
Even in their victory, your undaunted courage
Will be a terror to them. They'll not dare
Attempt the capital. Our Order's safety
Depends on you. If you fail—all is lost!

1st K. Ha! would you give us up to certain slaughter?

2d K. [*Aside.*] 'Tis easy to *command* a sacrifice,
Aloof himself from peril.

CRE. Nay—'tis butchery—
'Tis downright murder to compel our stay!

LAVA. [*Sternly.*] Leave your posts, then! but by the Holy Cross!
Who leaves it is degraded, and attainted
A traitor to his Order! No word more!
Back to your duty! If ye dare desert it,
The Turkish camp's your only place of refuge!
Go! it were better in your ranks to *die*,
Than let your chief behold you thus, like cowards,
Basely recoil! Miranda, come with me!
[*Exit with* MIRANDA *and other Knights.*

CRE. By heaven! this is too much!

1st K. How sadly changed
Since this detested war! He once was kind,

CRE. Say, was he moved to hear St. Pierre was lost?
I thought his cheek grew pale.

Enter ROMEGAS *and* BIRON; *afterwards* MONTALTO.

ROM. [*Bitterly.*] Imperious, haughty tyrant!
Well knew he he'd no right to chide me thus—
Before the brethren of our order, too!

BIR. And the Sicilian stranger,

ROM. Here's my hand,
Against a common foe we will forget
Our recent grudge!

MON. Sooth! it hath irked me long
To mark this overshadowing pride. My brethren,
I read in all your looks the discontent
That long has rankled in each honest breast.
Shall this proud upstart sacrifice our lives
At his own careless pleasure?

BIR. *and* ROM. By the Cross,
He shall not!

MON. *to the four.*] Lo! how scowled he on your prayers!
And e'en but now, a Christian slave, despatched
From the fierce Dragut—aye—with liberal offers
To treat with us, concerning yonder fort,
In friendly guise sought the Grand Master's presence.
What think you, was his answer?

CRE. He refused not
Sure—honorable terms?

MON. His orders were
That no communication should there be
Betwixt the Knights and the besegers—none
On pain of death;—and that all future heralds
Should suffer death.

CRE. Then we are lost indeed!
O my St. Pierre!

MON. That youth, so said the slave,
Escaped, ere break of day, from Pialy,
And gained the island.

CRE. Ha! St. Pierre escaped!

MON. I saw him with a band of Knights, but now
Sent from St. Elmo, pass to Lavalette.

CRE. The Holy Saints be blessed! then we at least
May fall together! [*Enter* ST. PIERRE, *with other Knights,*]
O, my friend, my friend! [*embracing him.*
The gloom doth vanish from me at thy presence.

ST. P. Beloved Crequi!

MON. [*to the other Knights*]. Well, how sped your errand?

1st K. The Grand Master will *never* yield.

2d K. Not even
The well-beloved, his friend, St. Pierre, could move him.

BIR. That was our last, sole hope. Like drowning slaves
Who see the frail plank torn from them, to which
They clung in desperation—we have now
No refuge but to buffet with the waves!

MON. Not so! by heaven! are we to fall the victims
Of one man's stubborn pride? We made him chief
But for the weal of all; for this, we let him
Moor unto his, like barks to larger craft,
The fortunes of so many gallant souls.
The storm o'ertakes us—and 'mid wheeling skies
The surge's sweep—the ocean's thunderous roar,
Lo! sails the stately vessel of his pride
Into the harbor; while we, cast adrift,
Are left to struggle with the mounting sea.
He means to build his fortune on our wrecks.
CRE. Nay—nay—Montalto——
ROM. 'Tis the truth—the truth!
We are the victims—he will reap the fruit!
MON. Know ye not—'twas a current prophecy
That Lavalette should wear Prince's robes?
See ye not its fulfilment? With pretence
Of stern resistance to the enemy,
He'll sacrifice you all—but mark you well!
He lives to tell the tale! Then—come the Spaniards—
The Turk is driven from this devoted Isle.
Due honors paid to those who fell—brave souls!
They died as knights should die! even Lavalette
Weeps o'er their dust! The few who yet remain
Extol their noble leader. Well—our places
Are filled with Spaniards and Sicilians.
The sometime Grand Master throws off the mask,
He reigns in princely pomp; and from the world
Wins praises you have died to purchase for him.
ROM. Now by Santiago——
SEVERAL KNIGHTS. Death to the tyrant—death!
CRE. By heaven! Montalto's picture is but truth!
KNIGHTS. Down with the tyrant.
MONTALTO. Friends! necessity,
When her hard law admits of no appeal,
We take perforce unto our breasts and cherish!
Lavalette has betrayed our trust—must die.
Open encounter, friends, we cannot risk
With him and all his minions. Hear my counsel:
Dragut at midnight means to storm the fort.
To-night, so soon as darkness shrouds the walls,
Come forth—all of you—and forsake St. Elmo;
On to the capital. With a trusty band,
Meanwhile, I'll deal with the ambitious chief.
Doubt not success, Romegas—come with me.
Brave friends, ye shall not die. Say all—ye pledge me
To this?
[*All but* ST. PIERRE *and* CREQUI.] All! All!
MONT. Ha! speak ye not?
CRE. Montalto,
We may rebel to save ourselves from death.
We may not slay our chief!
MONT. Whose crime is that?
Not yours—I ask you not to touch his life;
You've but to leave the fort.
CRE. That will I do.
MONT. [*to* ST. P.] And you?
ST. P. And I.
MONT. 'Tis well—now break we off.
Friends, we shall meet to-night. Now to the fort!
ROM. Wo to the tyrant! wo! [*Exeunt the* KNIGHTS *in disorder; with menacing gestures.*]
MONT. [*alone.*] So far doth all go well: Cominus, ho!
Enter the Christian slave, COMINUS.
MONT. Time presses. Here; this to Mustapha. [*gives a packet.*] Look
No straggling Christian intercept thee. Come—
The herald's mask will suit thee here no longer.
It shall not need, when *I* am chief in Malta.
[*Exeunt.*

SCENE II—*Near St. Elmo*—LAVALETTE *and* CASTRIOLTO.
LAVALETTE. You have surveyed the works?
CASTRIOLTO. I have, my Lord.
LAVA. The fort may yet be held?
CAS. With daring hearts
To guard it.
LAVA. Here is gold to pay your care.
I trust you; and had you pronounced it vain
To attempt defence—why, 't would have been but folly
To keep the garrison within its walls.
How, if assault be ventured?
CAS. 'T will go hard,
My Lord, for any foe without to enter
The widest breaches, save with ruinous loss.
Enter ST. PIERRE.
LAVA. Enough—you may retire, but be at call.
[*Exit* CASTRIOLTO.
ST. P. My reverend chief!
LAVA. Boy—what is this? You look not
As when we parted scarce an hour ago.
ST. P. No, Lavalette, I went then to a duty
That irked me less than this—I went to die
Obedient to the law of knightly honor—
Now must I choose between a villain's part,
And his who cheats and doth accuse his brethren.
LAVA. Speak plainly, St. Pierre. 'T is no knightly part
To deal in riddles.
ST. P. Aye, it shall be told.
My chief—the Knights who garrison St. Elmo
Are rebels—traitors!
LAVA. So——
ST. P. They seek your life.
I was but now the witness to their plot,
And but the wish to serve you kept me silent.
Withdraw them from the castle—give to me
A few well-chosen men. *We* will defend it,
Or die upon its walls
LAVA. My noble boy!
ST. P. O, trust no longer to the traitor's guile
Beware Montalto
LAVA. Nay—he is well cared for. [*A pause.*
Remain here a brief space:—detain thy comrades,
If they come hither: nought of this to them. [*Exit.*
Enter ROMEGAS, BIRON, CREQUI, *and other Knights.*
BIR. Well met, St. Pierre! Where does Montalto tarry?
ROM. 'T is past the hour he should have met us here.
CRE. We'll wait for him. St. Pierre, why turn from me?
There is a deadly paleness on thy cheek;
Say—wouldst thou have us linger in the citadel
For certain and ignoble slaughter? Murdered
For this cold-blooded tyrant, who would sink
The Order in destruction?
ST. P. 'T is already
No more! Ay, in this moment 't is no more:
Not by the enemy's might destroyed—but by
Internal—foul decay! Ye should have shamed
To charge *him* with the ruin, who alone
Would keep it from your heads!
CRE. What's this, St. Pierre?
BIR. A traitor in our counsels?
ROM. Let him pass—
'T is but a fretful boy; his peevish words
Will do our cause no harm.
BIR. Nay—by St. Mary!
He would betray us.—Let me cleave his heart!
[*Draws on* ST. PIERRE.—CREQUI *interposes.*
CRE. Mine own life first! We have not noble hearts
To throw away! This way, St. Pierre!
Enter LAVALETTE.
LAVA. Ha! friends!
Ye are before me, here, I see, and come
On the same errand, doubtless; I approve
Your loyal zeal. What ho! bring in the prisoner.
Enter Soldiers with COMINUS.
ROM. What can he mean?
LAVA. Knights of our Holy Order,
This slave was taken as he left the Island,
The bearer of despatches to Mustapha—
Of secret letters, which revealed a plot
Some time in agitation—to betray
This Island to the Turk! [*All seem shocked.*]
The fair reward
Of this black treason was to be the government
Of Malta—when this candidate for honors
Pledged himself to renounce the Christian faith,
And wear henceforth the turban.
ROM. Gracious Heaven!
LAVA. I read a virtuous horror in your looks;
Such guilt surpasses your conception. Learn
The traitor's name—Montalto!
SEVERAL KNIGHTS. Ha—Montalto!
LAVA. He, too, is in my hands.—My brethren, say
What is his punishment! Silent? Ye grieve
To doom a brother who till now seemed honest;
But it is your duty. Say, Romegas, what
Hath he deserved?
ROM. By the strict law, his doom
Is—death. [*Aside.*] O conscience stricken!
LAVA. Right—he dies.
[*To guard.*] Depart and do your duty.
[*Exeunt soldiers.*] I've bethought me,
Too, of your late request. Knights, who have done
Your best, till now, to guard St. Elmo's fort,
And only shrunk when all seemed desperate,
I free you from your dangerous trust. With honor
Depart to other posts, where'er you will.
Come forth, Miranda. [*Enter* MIRANDA *and other Knights.*] Lo! a goodly band
Of noble Knights, whom Lavalette himself
Will lead to glory. Let the garrison
Now quit the fort; WE will assume their place.
ST. P. My chief! I will remain with you—I live
Or perish at your side!
LAVA. St. Pierre! St. Pierre!
Heaven spare thy youth! O, let this last embrace
Tell how I loved thee!—what no words can tell!
My son! my son!
CRE. His son?
LAVA. Yes—at this parting,
Perhaps our final one, let nature speak.
He is my son. From Palestine I brought him—
Taught him the arts of war, watched, bled for him;
Yet would have seen him die, when honor called,
To save his country! O my cherished boy!
It will be bliss to perish in thy stead!
CRE. Now, by St. John,
Nor you, nor he, shall perish!
Those walls ye shall not enter!
KNIGHTS [*aside*]. Is this he
We thought so savage—so relentless?
LAVA. Nay,
Open the gates to us. On you, Romegas,
If I should fall, devolves the chief command.
I have secured the voices of our brethren:
God keep you! [*Going.*
ROM. By this cross, I'll bear no more! [*Throws himself at his feet.*]
Sir, you have heaped your honors on a traitor!
LAVA. [*hastily raising him*]. Tush! tush! no more of such ungentle words!
No more—I will not hear you! Go with honor;
Deal kindly with our fame, if we should fall!
ROM. Not so, by heaven, my lord! I do repent me;
The coward stain must be washed out with blood—
None—none shall fill my post!
BIR. *and others.* Nor mine!
ROM. Give back
The trust we have deserved to lose! I pray you,
Most reverend chief, punish us not with shame!
Let us return. Believe me, well I rue
My deep disloyalty!
LAVA. [*after a pause*]. Well—be it so,
If all desire it. [*Knights express eager assent.*] We will be at hand,
If you should need our aid.
ST. P. Farewell, my father. [*They embrace.*]
CRE. We are enough without this youth; St. Pierre,
Remain with Lavalette.
ALL. Remain, St. Pierre!
ST. P. No, by my life! I will not leave my post!
LAVA. Brave son! I thank you, friends, your generous love.
Yet shame it were, one dear to your Grand Master
Should be the first to shrink. My son, good night;
May this deep gloom forerun a glorious dawn.
[*Exeunt.*

SCENE III.—*Before the walls of the fort—the day breaking. Enter* LAVALETTE *and* MIRANDA, *in disorder, as from recent action.*

LAVA. Call back our followers; all have done their bravest.
It was a fearful night.

[*Enter other Knights with* LASCARIS.]

Bring me your prisoner.
You are a Christian?

LAS. And of a royal race,
My lord. Mine ancestors did lord it once
Over Byzantium. 'Twas a happy chance
That led me to your people.

LAVA. Didst thou not
Hold a high post, then, among Dragut's troops?

LAS. I was a leader of the Infidels;—
Won by the bravery of your knightly friends,
I long to share their fate. A score or two
Of active men, my lord, will follow me.

LAVA. Say, will the infidel pursue the fortune
So hardly won in yesternight's assault?

LAS. Believe it not. The incredible boldness shown,
The firm disdain of danger, by your Knights,
E'en in the deadliest conflict, have wrought wonders
Against the enemy. A sore dismay
Hath this night's work struck deep into their hearts.
The Lord of Tripoli, Dragut, too, is fallen.

LAVA. Ha, Dragut fallen? Then are our losses victory!

[*Enter* ROMEGAS *and Knights.*]

The citadel is stormed—but we have won!
Our fiercest foe has perished!

ROM. Thanks to you—
Our honor's saved, and fortune dawns upon us!
The Spanish fleet is off the coast, and tidings
Of hope already fill our men with joy!

MIR. We have not fought in vain.

ROM. But O, most dearly
The boast is purchased. Ah! the sun to-day
Will shed no joy on many a noble brow
That should have mantled—

LAVA. Honor to the dead!
May we be mourned as dearly, when we lie
On our last field. Go bid all celebrate
The solemn rites. One word—[*hesitating*] where is—
St. Pierre?

ROM. Close at my side he fought, where'er the strife
Was bloodiest.

LAVA. [*quickly*]. Came he not with you?

ROM. My lord,
I have not seen him.

LAVA. Wo is me!

[*Enter* CREQUI *and a procession of Knights, bearing the body of* ST. PIERRE. *They start on seeing* LAVALETTE, *who rushes to the bier and stands awhile with his face buried in his hands.*]

O my fair son! Yet how is this—no blood?
Fell he without a wound?

CRE. I drew his body
Out of the greedy waves. He had pursued
Some flying Turks. Alas! alas! St. Pierre!

MIR. Look to your leader:—See!—how pale he grows!

LAVA. [*kneeling by the body*]. My son! thy rest is holy;
O would, would I could share it!

ROM. Reverend father,
For our sakes, give not way!

LAVA. The flood of anguish
Will soon be stayed. Comrades, your hands; ye all
Henceforth shall be my children! [*All surround him.*]
Saints, I thank you!
Believe me, not unsoftened is this blow;
This death doth seal our Order's new-born strength—
It seals our closer union.

ALL. Witness Heaven!

LAVA. Now is our greatness chainless and eternal;
Through a great sacrifice is victory ours.
All we have lost is won again. So fell
The brave Leonidas—and conquest stooped
Bright, eagle-eyed, upon his dust to scatter
The gems he sought from her coy arms to wrest.

Mr. Lane, in a note to "The Arabian Nights," giving an account of a feast at Grand Cairo, says, "There were also two great edifices of sweetmeats, each weighing 17 cwt., and carried thither by porters, on shoulder poles."

From the Keepsake, for 1840.

THE SOMNAMBULIST.

BY SIR JOHN DEAN PAUL, BART.

THE family of Diodarto de Cinci had fallen under the displeasure of the Doge, they having been more than suspected of what were deemed treasonable attempts at displacing the tyrannical power which held Venice in its iron grasp. Banishment of its members, and confiscation of their property, had by degrees reduced that once powerful house to comparative ruin. The head of it was in a state of mental imbecility, and the immediate heir an exile, supposed to be under a fearful ban, or (as was not less commonly believed) to have been privately made way with. Beatrice, an only daughter, was left a sort of presumptive heiress; but actually the possessor only of matchless beauty, a sensibility fatal to her peace, and a flight of talent equaled only by the energy and loftiness of her character. Witchery surrounded her—she was considered a dangerous beauty, an object of great attraction, but one, with whom the prudent and the wise deterred the young over whom they ruled, from intimacy or correction; and the displeasure of the Doge being certain to fall on any that took part with the family of Beatrice de Cinci, she was in a manner proscribed. There are, however, or rather there have been (for in these utilitarian days it is less common) romantic spirits in whose estimation tyranny and oppression invest their victims with a thousand charms; and she whom they are told, they dare not, must not love, becomes an object of idolatry, and doubly endeared by the danger which surrounds the attempt.

While Poland yet was, she produced many a gallant chief, many an ardent spirit; and Altamont Larinsky was one. Illustrious by birth, the gifted owner of many broad lands and rich possessions, he had been for some time a denizen of Venice, an apt subject for romance; and no long time elapsed ere the spell of this enchantress fell upon him. The mysterious and infatuating descriptions of the singularity, and the dangerous charms of Beatrice de Cinci, created in his imaginative mind a restless longing for her acquaintance, which was confirmed by a casual view of her at mass. He became enamored of a fancied object, for as yet she was little more than as a vision seen in a dream; but the figure in that dream haunted him by day, and hovered round the pillow through the live long night!

Venice was the paradise of priests and spies; they played each other's game. Through the agency of the latter fraternity, Larinsky became acquainted with the confessor to the family; a golden key unlocked the churchman's breast, and he gained some knowledge of the character, education, temper, and habits of the syren, Beatrice.

Through the same channel the history of Larinsky, full of stirring and interesting incident, was conveyed to Beatrice; and their meeting, contrived to bear the character of accident, was productive of the most favorable impressions on both, thus mutually prepared for reciprocal captivation.

The beauty of Beatrice was peculiar; her spirit shone through her; her action was thought, and every movement an aspiration; her form was classic, and her complexion pale as the marble statue beneath which she stood when Larinsky first beheld her. Her tresses of golden brown, her high and ample forehead, and the dark lashes which fringed her languid eyes, so marked her countenance, that, once seen, she could never be forgotten.

Larinsky was irretrievably in love before he asked his reason whether his eyes had not betrayed his heart. Of a fiery temperament, open as day in all his dealings, and frank almost to rashness, he attempted not to conceal that his affections and estate were hers, and at her disposal.

Not so the lady. By no means insensible to the incense offered at the shrine of her beauty, nor regardless of merits of her admirer, yet she betrayed no weakness. The impression, however, which in her earliest intercourse was conveyed to his mind by the singularity of her manner, never varied; a jealous doubt was awakened, a hesitation in the belief that she would really love, or ever give her undivided heart in exchange for that which she had so fatally ensnared. Larinsky saw and felt all this, but his passion blindly urged him on, and his vanity assured him that devotion must ensure return. What were her secret thoughts we know not; that she really loved Larinsky we believe, but we dare not swear it. In answer to all his outpourings which affection made eloquent, she would gaze upon him with a fixed and somewhat startling look, and say—"Beware of me—I am not made for happiness, neither to possess, nor bestow it. I am an offset from a blighted stock!"

"But," urged he, "I will transplant thee to a garden which none but zephyrs visit, and there!"——

Let us, however, hasten to events. They were married; and the establishment of Larinsky was the admiration of one half of the city of Venice, and the envy of the other; while the malice of the government seemed to derive fresh virulence from the success of any part of the proscribed family.

Larinsky had no eyes but for the beauty and the loveliness of his bride, no ears but for the music of her low and plaintive voice. She was all that man could desire in feature and in mind; yet to one whose ardent temperament and passionate love, having won much, still craved for more—that more was wanting. There was not that perfect abandonment of body and soul, that absence of all reserve, which is perhaps but an ideal possession—yet the want existed. Like the speck sometimes seen in the horizon, which small at first soon spreads into a cloud, so this mistrust daily gained possession of Larinsky's mind, and marred his happiness. She placed not implicit confidence in him—mused alone—sought solitude oftener than was agreeable to him, and to his jealousy; not jealousy in the common vulgar sense, but that exquisite susceptibility which only true love feels. He fancied she had something to conceal; he occasionally observed her eyes were glistening with a tear, and oft he could in her sleep detect a sigh. Yet she was all generous kindness, and truth and innocence, like guardian angels, seemed to hover round her. Oh! who could gaze upon that open brow, or witness that guileless smile, and for a moment entertain distrust? Then why was not Larinsky happy? Why not content with the blessings he enjoyed? Ask the God of Love, and he will tell you that nothing less than all will satisfy the cormorant heart; he will show you that nothing is gained whilst aught is left to win. Then why did not Larinsky question her? Why not lay open all his feelings, and by a word dissipate the floating vapor which sometimes dimmed the mirror of his happiness? It is, alas! that true love cannot speak of doubt—cannot descend to a common category; thus many a heart has been lost for want of a simple question, and that exquisite refinement which constitutes the great charm of the tender passion, sometimes generates the fatal worm that corrodes the flower.

Beatrice was devout, punctual in her attendance at mass, and always preferred going alone, and her absences were sometimes longer than the services of the church were supposed to occupy. A land of spies is a land accursed, and the anonymous assailer of character is more to be abhorred than the assassin.

Larinsky was preparing on a festal afternoon to dress for the evening entertainment, when he found a small billet on his toilet-table addressed to himself; the handwriting was unknown to him, and the device of the seal singular. He hesitated to open it—such things sometimes occur—an instinctive wavering of ill seems to give a sort of second sight. Larinsky chid himself for his weakness, and opened the billet. The venom it contained was wrapped in these words:

"There are more confessors in churches than wear cowls."

It angered him. "Impertinent nonsense," he muttered to himself. He half tore the paper—paused—then held his hand, and threw it with some others into his escritoire—turned the key, which he carefully secured, and proceeded with his toilet, fancying that he thought no more of the billet;—but the arrow had stricken him.

"I remember when I was at Padua, a Jewish doctor sold to me a deadly poison, which he told me if administered by half a grain a day, would send to his grave the stoutest, by a gradual and almost imperceptible decay, which no antidote could arrest, and no suspicion detect."

This was a mental movement—why it then occurred to him we have no means of knowing; such are the mysterious associations of a romantic mind.

Beatrice was in great beauty that evening; and when her husband joined her to proceed to the festive scene, he was struck by her commanding beauty and the chastened splendor of her dress. They mingled in the crowd. She was not gay, and his spirits were evidently depressed.

Larinsky detached himself from his lady, but still kept a wary eye upon her; and he was rallied by his gay young friends on the uxorious watchfulness of his looks.

Beatrice did not dance, and he fancied her eye wandered in search of some person she did not find. Nothing remarkable occurred; the evening wore away, and they returned home, with little conversation beyond what arose from the usual incidents of a gay and numerous assembly.

Larinsky could not sleep, and the slumbers of his wife were heavy and restless. After a time she rose from her bed, and slowly taking up the lamp, by the light of which, for it shone immediately on her face, Larinsky discovered, that though her eyes were open, their sense was shut; and he now for the first time became aware that she was a Somnambulist. He arose stealthily to watch her motions. She proceeded to the adjoining apartment, where she placed the light on a writing-table, seated herself, took up a pen, and sat some minutes in a musing attitude, as if reflecting on what she wished to write; then, shaking her head mournfully, replaced the pen, and heaving a deep sigh, resumed the lamp, retraced her steps, and was soon seen by her ill-satisfied husband with her head upon her pillow in a deep sleep.

The next day's sun brought not back with it his peace of mind. Mischief is of rapid growth—"The mass," he said, "the evening mass, this I know she will attend." He feigned an absence, and made his way to the church, armed, unseen and unsuspected, to watch her movements there. After the service, she mingled in the retiring crowd, and for some minutes he lost sight of her; again in the aisle, darkened by the stained glass, he thought he recognized her form, and that she was joined by a young man muffled in a cloak. Larinsky was all on fire; he dashed forward through the throng, and overthrowing in his haste some seats, the noise of their fall alarmed the mysterious pair. The lady, if it was Beatrice, vanished one way, and Larinsky, sword in hand, rushed on to arrest her companion, but his victim suddenly disappeared—how he escaped was a mystery.

Larinsky wandered forth in a state so excited that he could scarcely collect his scattered ideas; doubt, suspicion and jealousy assailed him at once, and shook the inward man.—He did not return to his house for some hours. After a distracted ramble, as he entered the corridor, two active and well known officers of justice passed him in a hurried manner; this was a new surprise upon him, and they passed so quickly that he had no time for question. He made his way to the apartment of his wife, who rose to receive him with all her accustomed tenderness and grace; and though he did not absolutely repulse her advances, he motioned her gently from him and said—

"The officers of justice have been here—they passed me at the door!"

"But they had no victim with them," cried she in a tone of exultation; "they had no victim—no—no—no victim!" and her flashing eye declared her triumph.

"I must not be suspected, Larinsky," continued she; "mine is a lofty spirit—I am a thing of mystery—I warned you of this when first we met. I am your wife, your noble, loving, free, unspotted wife—time will clear all! Then why this cloud upon your brow?"

Her words fell powerless—she spoke but to a man of stone; the demon of jealousy had possessed him—the worm that never dies was at his heart—his blood was changed to gall. The look he gave her was terrific; she cowered beneath it—trembled; she became faint and staggered, and would have fallen, but that he supported her to a chair. There was a vase of water on the table—his determination had been already made—he filled a glass, and dropping unperceived an atom of the fatal drug into it, with a trembling hand and averted eyes, presented it to her: and thus in a moment of rash and senseless jealousy, the fond, the devoted Larinsky commenced the slow but certain work of death. He occupied an adjoining apartment, and with an agonized and beating heart he heard her sob herself to sleep!

The next day he was summoned to the Doge's palace, and closely questioned as to the company he entertained and the visiters he received. He endured the insolence of suspicion with the spirit of conscious innocence; returning the shortest answers, and with sullen and insulted dignity threw back with scorn the imputations on his honor. His home, so lately a heaven, had now become a hell, and he the master fiend,—with murder, which he falsely fancied to be justice, the fatal companion of his cruel thoughts. No pains were spared, no cost, no bribes withheld, no stratagems omitted, to discover the invader of his peace.

During that day, and another—and another—variously disguised, were administered the minute atoms of the deadly poison; still the fatal passion rankled in the breast of the infatuated husband, and still day by day the inroads on the health of his much injured wife became more and more apparent. Medical aid was pressed upon her by numerous friends, and every conjecture formed by those most skilled in the healing art on the nature of her complaint, and every remedy in vain applied.

To her husband's alienation much was imputed: the estrangement of his heart was, alas! but too apparent and too notorious, though he was not separated from her person, for he seldom quitted her sight. Yet still her proud spirit disdained to enter into explanations with him; and his ardent and desperate love having been by the alchymy of the deadliest of passions changed into hatred, he pursued his course of fatal yet tardy vengeance in gloomy silence; resolved to guard against the possession by another of the jewel he disdained to wear.

Thirteen days had now elapsed since the still lovely Beatrice had become the unconscious victim of his dreadful resolution. On this, the thirteenth day, Larinsky had been called from home on some important and unavoidable business; and during those hours of absence, which his savage jealousy had made of rare occurrence—for he never quitted the room but on urgent calls—she received a communication, the effect of which seemed almost to break down her shattered and enfeebled frame.

The messenger by whom the letter was conveyed had been for several days watching an opportunity to deliver it unobserved; but such was the Argus-eyed vigilance of the spies and watchers by whom she was beset, that Larinsky was instantly informed of it. The intelligence inflamed his passions into madness, yet he still retained his self-possession; he uttered not a syllable, and resolved, if possible, to gain possession of the letter by stratagem. Beatrice had been in tears all day, too weak in bodily health for remonstrance or complaint, and in heart too deeply wounded, by suspicions so fraught with injustice. She sat like the monument of Grief in the palace of Despair!

The night drew on and proved unruly; the wind blew in fitful, fearful gusts; the lightning flashed, and peal on peal of thunder succeeded, as though the angry elements would level the palace and bury their mouldering walls in the waves that beat against them. Beatrice was long occupied with her devotions; and bent like a drooping lily over the crucifix, fixing her thoughts on a world beyond the grave. Anon she looked forth on the troubled sea beneath the windows, and then went weeping to her bed.

Larinsky was a witness to all she did. Her weariness, her cares, and her weaknesses, were soon forgotten in deep sleep. About midnight, she rose slowly from her widowed couch, in one of those fits of somnambulism to which she had been lately subject. Beyond her sleeping apartment, and opening on the grand marble staircase, was situated her boudoir, in which were arranged her writing materials, an escritoir, which had been always considered sacred, her books, and all the little elegancies of polished life.

She was in a night dress, which completely concealed her figure; its whiteness was exceeded by that of her complexion, through which the course of her blood in every vein was visible. Her eyes were bright and glassy, her step measured and solemn, and, taking up the lamp, she moved toward the boudoir;—her husband, with noiseless tread, was close behind her. Onward she went, though in a deep sleep, opening the door into the boudoir, and, like a specter, moving to the cabinet, drew forth a key attached to her belt. Then unlocking the escritoir, she raised an open letter to the lamp in her hand, and prepared to read. Now, thought Larinsky, now the fatal secret will be unfolded—now I shall behold the evidence of her guilt even in her own hand? His heart beat so audibly against his breast, that he feared she would hear it and awake; he advanced so close behind her that every word in the paper was visible to him; they seemed letters of fire! They seared his eye-balls!—and they ran thus:

"Beloved Beatrice! You, for whom I have risked every thing; you, for whom and with whom I would live or cease to live, must behold me no more. I see—I know the dreadful consequences I have brought upon you by the fatal oath in which I bound you never to reveal the secret, even to your husband, of my presence in Venice, this tyrannized city. The decree of banishment you know is unrevoked, and instant death awaits my discovery; the spies of the Doge are sleepless, and I am hunted like a beast of prey. We have met seldom—but too often. All this, and ten times more of danger, I could and would have borne whilst my plot of vengeance was advancing to maturity; but what I have brought upon you from your husband is no longer tolerable. Before this will reach your hand I shall have left Venice, perhaps for ever. Adieu! a thousand times adieu! A few days more will decide the fate of your unhappy BROTHER."

A thunderbolt would have been mercy. The scales fell from his eyes—the fatal error was disclosed—and he discovered that he was—what?—a cold-blooded, cruel, treacherous murderer—the murderer of innocence. He placed his hands before his eyes and shrieked aloud.

Beatrice awoke at the cry. She dropped the lamp, unconscious of what she did or where she was;—she rushed forward to the folding doors which opened on the broad marble staircase, and, pursuing her desperate course in darkness, fell headlong down some fifty steps, and was stretched a lifeless corse, staining the marble with her innocent blood!

His outcries raised the house, and the officers of justice were summoned. He was borne away a culprit, suspected of having thrown her down———Guilty, alas! but not of that.

Repeated examinations could draw nothing of connected elucidation from him. He was removed to a place of security, and howled away the remnant of his wretched existence in a Lunatic Asylum.

A LEGEND OF NEW-YORK.

Some seventy years since, when New-York was somewhat of a different city to what it now is, and steamers laden with cargoes of actresses, dancers, and monkeys, were not even thought or dreamed of, and when a goodly vessel laden with merchandise was considered a more important affair than the arrival of a tragedian, or a troop of goats and monkeys; we say, some seventy years since, toward the close of a beautiful autumnal evening, a vessel was observed standing in toward New-York; her hull was long and low; she was taut-rigged, with raking masts; her jib, flying jib, mainsail, and foretopsail set, and had every appearance of making the harbor.—Suddenly, however, she tacked; and a boat was lowered and pulled toward the shore; by the time, however, she had pulled in, it had become quite dark, and the idlers had, one by one, passed away, so that the landing-place was literally clear; a gentleman landed from the boat, whose dress partly bespoke him as a naval man, though the richness of the various articles he wore indicated him to be one of no ordinary rank; for although it was not the dress of a British naval officer, yet there was something that plainly showed he was one used to command; in person, he might be about five-and-thirty, but with a complexion so swarthy and sunburnt, that it would be difficult to say whether he was over or under that age; a woman (and they are keen judges of looks) would have gazed after him, and thought, perhaps, just such a one would she have chosen as a model for admiration, for women will form models in their imaginations to love, though it is but rarely such an object ever becomes their partner through life; the stranger, however, pushed on through the narrow streets, merely asking for the residence of one Ephraim Dodds, a worthy, pains-taking man, but poor withal, and one whose speculations had rarely turned out well.

He was busied in the evening, on which our story opens, looking over his ledger, when the door of his counting house opened, and a stranger presented himself.

"Your name is Ephraim Dodds!"

"It is, Sir, and yours?"

"No matter; I know you, Sir, by report, for an honest worthy man, but a very poor one! Look from your window, and, if the darkness will allow you, can you decipher aught of a goodly vessel, standing off in the distance? That vessel is laden with goods so rare and rich that its cargo would make the fortune of the richest merchant of New York; I would confide that cargo to you, not making you the mere agent, but as a partner."

Ephraim stared hard at the stranger, and bethought him of all the legends he had heard of the devil tempting men in their hour of need, but still he listened."

"It matters little, Master Dodds, who and what I am, since 'tis little to the purpose, but suffering has laid its heavy hand upon me; my poor, poor Paquita, sleeps in peace; for my sake she endured all—much that woman could. Ah, Sir! you know not what it is returning to one you had for months been yearning to see, to find her gone from you forever, broken-hearted from the gibes and taunts of those who should have protected her; but she did not dare avow her marriage, and—but no more; she left me, Sir, a child, a girl, whose features are as like her mother's as nature could have formed them. I would not she should be with her mother's friends, to have the same measure of unkindness meted out to her as was her poor mother's fate. No, Sir. I would not it should be so; and this brings me to the purpose of my interview. If you will take charge of the cargo, one-half is your own, the other is to be my daughter's, and you must use them both in such way as seems best suited to your judgement."

"And the girl," exclaimed Dodds, not seeing the thing exactly in all its bearings.

"She will be placed with one upon whom I can rely; that charge is not with you; and when you are called upon to account for her fortune, you will, I know, be ready. What say you, Master Dodds?" Ephraim paused a moment to consider, but the reflection was apparently a satisfactory one, for turning to the stranger, he said, "I am content; there is my hand upon the bargain."

The following morning found Master Ephraim Dodds one of the richest merchants in New York. * * *

Pass we over now a space of some seventeen years, and still lingering in the neighborhood of New York, cast our eyes upon one of the neatest cottages the thriftiest housewife could desire; both before and behind was a garden, tastefully arranged with such trees and plants as the sea-breezes would permit to grow, and within the lattices flowers, whose delicate natures required more protection; along side on the beach was drawn up a large boat, and toward the sea was a rudely contrived arbor, with a most primitive looking seat and table. The owner of the cottage was an Englishman, from the neighborhood of Newcastle, who had passed nearly all his life at sea. Owen Block was a true specimen of the English sailor, his wife was a quiet, sedate woman, who seemed rather superior to her husband. The greatest attraction, however, was their daughter, the pretty Marian. Great pains had been bestowed by Block upon her education, and her room, which was tastefully adorned with drawings by herself, showed that she had attained no mean proficiency as an artist."

There was a circumstance, however, which caused much excitement in the neighborhood, namely, the frequent visits of Walter Dodds, the only son of the principal magistrate of New York, and the wonder was the little anxiety that Master Block gave himself about the circumstance, though quick and quarrelsome enough on other occasions; some turned up their noses, and said, "Does he think Walter Dodds will marry her? but not he, indeed; Master Block will soon repent his vain ambition, and wish that he had more moderate views for his daughter."

But the visits of his son became known at last to the old magistrate; and full of magisterial ire, he determined to investigate the matter in person, and accordingly betook himself to the cottage.

Owen Block was somewhat surprised one morning, by a visit from the magistrate, and quickly stowing away a suspicious-looking anker of spirits, seemed prepared for what might follow.

"Your name is Owen Block, I believe?"

"The same, at your service!"

"You have a daughter, I believe."

"I have."

"And you are trying to draw my son into a marriage with her."

"Softly there, Master Dodds, if you please; your son is doing as he pleases; if he chooses to come here, well and good; I have enough to do looking after my daughter, without caring for other people's sons."

"You are a scoundrel, Sir," replied the magistrate, "and fear me not, we shall soon have you safe by the heels;" saying which he left the cottage, slamming the door hastily behind him, the hearty laugh of Owen Block ringing in his ears as he retraced his steps homeward.

Walter and Marian were, however, still as much as ever together, and Block, despite the burgomaster's threats, encouraged the young man, in affording him every opportunity of being in Marian's way, and the magistrate determined, in order to prevent matters going too far, that his son should be sent on a voyage to the Indies, whither the merchant had a valuable cargo proceeding.

Ephraim Dodds was one day busied in his study, making every preparation for the vessel sailing on the morrow, and

writing out a set of instructions for the captain, and mixing up with them most particular directions for his son's being carefully attended, never being allowed to go on deck when it rained, or suffered on any account to ascend the rigging, and a variety of other minutiæ, when a stranger was announced as wishing to see him on private business. He motioned to a chair, continuing busy in his instructions. On raising his head to demand the nature of his business, his eyes met those of the stranger's; they were features once seen, never to be forgotten.

"You see," said the stranger, "I am come as I promised, to claim the fulfilment of your agreement."

Dodds pointed to a box on one of the shelves. "There," said he, "are the accounts of stewardship up to the close of last month; you will find them I am sure correct to a fraction, nor do I think you will find I have speculated amiss with your daughter's dowry, since she is now the richest woman in New York."

"Your accounts I do not wish to see; you need render none to me nor to any one; my only object is to propose a marriage for your son."

The magistrate shook his head. "Alas, sir, I fear very much my son's affections are unworthily bestowed upon one from whom I have found it impossible to alienate them."

"Upon Marian Block!"

"You know it, I see but too well."

"I do; and Marian Block is—*my daughter*. I confided her as an infant to Owen Block, in whom I knew I could place every confidence; it was by my orders he took every means of throwing himself into your son's way, and bringing him in contact with Marian; what I so ardently wished has taken place. He has seen and loved her for herself, and not as the richest maiden in New-York, what more need I say; my plans have succeeded, and you I am sure can have no objection to this."

"Not I," replied the magistrate. "I did n't half like his going to sea; let them yet be married by all means—it 's a long voyage to India—a very long one, but matrimony is much longer; however, its much safer."

The stranger smiled, and said, "They have both their dangers, but the present will doubtless be a smooth voyage, since there are few hidden rocks, and every thing promises well."

AVARICE AND FRUGALITY.

There is no man, whatever be his place, his means, or his character in life, who does not feel authorised to decry the spirit of parsimony. Though he denies that he has ever felt it himself, it is the passion which he is always most sharp-sighted to detect in others. But, if we mistake not, economy differs from avarice, not merely in degree, but in kind. The utmost excess of frugality never sinks into avarice; nor does the lowest degree of avarice ever amount to frugality. They proceed from different propensities, they avail themselves of different means, they are directed to different ends. Avarice accumulates for the sake of accumulation; economy spares for the sak of use. Avarice becomes, at last, a disinterested passion; and money, the more it is gained, is loved and hoarded more solicitously, merely because it is money. Economy does not grow more saving as the means of expense are multiplied; it lays by with a view to some future accommodation, but with less scrupulosity the more it has to deposit. Avarice, even when it is cheated into bounty, reluctantly parts with the little it yields; economy never gives merely on compulsion, and is often grieved that it dares not bestow a more ample favor. Avarice, always intent on minute savings, is frequently blind, and is sometimes betrayed by her rapacity into serious losses; economy, while she gathers up the fragments that remain, is never hurried, by a thirst of gain, into imprudent and destructive speculations. Avarice regards only money, or what it represents; economy is a branch of that comprehensive prudence which knows how to be frugal of every thing, of time, opportunities, and talents, as well as wealth. An avaricious man feels like a unit in creation, and saves for himself alone; a frugal man considers himself one of a circle of creatures, mutually dependent, whose expectations and whose claims he consults, and in all his habits of frugality has reference to his relation to society and to posterity. The highest benevolence of character may consist with a habit of regulated and moderate expenditure, and consists, indeed, with nothing else; but it is the curse of the avaricious man, to experience the miseries of pure selfishness, to be at once envious of the rising prosperity of others and anxious about his own possessions, to be ever afraid of losing, and still more afraid to give, because he sees nothing in bounty but deliberate waste and uncompensated diminution. In short, frugality will associate with any of the virtues, and becomes herself the parent of others, and not only of virtues, but of a thousand permanent comforts; avarice, in its very nature, defeats its own wishes, and encounters from others nothing but enmity and contempt. When mature, it sheds a blasting influence over the finest affections and sweetest comforts of mankind. Men spontaneously combine to detest it; and God, the most bountiful of beings, looks down with abhorrence on a spirit which does nothing but counteract his benevolent designs.

SELF-CONCEIT.—He who does not think too much of himself, is far more than he thinks he is

From the Boston Evening Gazette.

THE MAY-FLOWER.

BY MRS. L. H. SIGOURNEY.

A speck amid the Ocean,
A laden bark draws near,
Through her rent sails, the bleak winds moan,
All heavily and drear;
No light upon the headlands
Illumes her untried way,
No pilot glides with fearless helm,
Like sea-bird o'er the spray.

Slow, toward a sterile region,
With pain, she seems to steer,
No hoarded treasures in her breast,
To grasping avarice dear.
Yet many a noble galleon,
Where Indian jewels sleep,
Might pave old Ocean's glittering floor,
Without a less so deep.

No broad flag proudly waveth,
Forth from her riven mast;
But many a princely argosy
Might feel the wrecking blast,
Or, crush'd by battle thunders, sink
'Neath whelming waters dark,
Yet leave no chasm on History's page,
Like yon forsaken bark.

Oh, May-Flower!—stricken May-Flower!—
So scourged by winter's wrath,
What bear'st thou to this chilling clime,
Along thy billowy path?
And the May-Flower boldly answer'd,
As toward the shore she drew—
"*Seed for a nation of the free—*
Unblenching souls—and true."

Hoarse voices from the wilderness
Spake out, when storms were high—
"Were there no graves beyond the main,
That here ye come to die?"
But sweetly on the Sabbath breeze
An answering anthem peal'd—
"Our leader is the Lord of Hosts—
Our fortress and our shield."

Down sank the ancient forest,
And up the roof-tree sprang—
The tall corn ripen'd on the lea—
The soldier's watch-word rang—
Gaunt famine, like a hungry wolf,
Was stoutly held at bay,
And the mother still'd her wailing babe,
With England's holy lay.

Rich was each lowly cabin,
In the strong trust of prayer—
A heaven-born might to brave the lot
Of poverty and care;
So now, a glorious nation
Doth rise in solemn state,
To bless that lonely May-Flower,
With all her pilgrim-freight.

New England's lofty mountains
Bow low their lofty crest,
In homage to the swelling bay
That gave the May-Flower rest;
In homage to the rugged rock
That stretch'd a wintry hand,
And welcom'd to its snow-clad breast,
The fathers of our land.

But thou, Oh, Rock of Plymouth!
Like him, of old, who lent
To weary and wayfaring men,
The shelter of his tent,
Looked not beyond the homely garb,
With clear, prophetic eyes,
Nor through their stranger vestments saw
The angel in disguise.

Hartford, Dec. 10, 1839.

From Heath's Book of Beauty, for 1840.

THE LOTTERY OF LIFE.

BY R. BERNALL, ESQ., M. P.

FAIR and amiable readers, most, or many of you, have visited the Cemetery of Perè la Chaise, without the *barrieres* of Paris. It is from you, therefore, that a ready sympathy with those feelings and associations which the contemplation of the scene there presented excites, must be confidently expected. Looking from the steps of the chapel, which is erected on the highest part of the ground, and favored by the advantage of a clear autumnal sky, what a boundless and instructive panorama is displayed to both the eye and the mind, of the sincere worshipper of Nature and of Nature's God! The vast and animated city, with all its embellishments of architecture and garden cultivation, redolent of life and cheerfulness, lying clearly mapped out beneath your feet; while near to, around, and about you, arise the many and perishable emblems of the frailty and uncertainty of all human enjoyments. The costly marble sarcophagus, with its massive and gilded railing, proving that vanity and ambition do not always find a resting place in the grave—its humble neighbor, the quiet grassy mound, protected and adorned by a few clustering and blooming flowers, telling the tale of surviving hope and unceasing affection. Observe the crowds that throng the various paths of this extensive and rural cemetery; examine those groups of all ages, to whom the purity and elasticity of the atmosphere have opened an inexhaustible fund of pleasure; listen to the busy murmur of life—participate with them in the mere enjoyment of health and existence—you are only doing what thousands, and tens of thousands, whose mortal remains lie mouldering around, have done before you. You may, perhaps, be tempted to moralize sadly on the contrast between the careless mirth of the bustling promenaders, and the eternal silence of the dead, whose confines they heedlessly invade. Do not, however, quit the spot under the impression that the love of novelty and amusement, of the desire of flying away from thought and reflection, alone influences all this mixed and eager assemblage.

Could you search into their hearts—could you analyze their secret feelings—how many a mournful catalogue might be compiled of undying sorrow and permanent suffering!

It was one fine October morning in the year 18—, when the grateful warmth of an unclouded sun, and the deep blue of the wide heavens, promised a temporary revival of the departed summer, that two young Englishmen were sauntering through the well-filled walks of the burial-gound of Perè la Chaise. Delighted with the loveliness of the weather, they had prolonged their rambles through this extensive cemetery. On entering a more retired part, their attention was attracted by the sight of two females, one of whom, on her knees before a small monument, was engaged in earnest and abstracted prayer; while her younger companion was endeavoring, though unsuccessfully, by stepping on the base of the tomb, to suspend a garland of *immortelles* on the top of its shaft. The Englishmen advanced near to the two females thus intently occupied, without disturbing them; but on witnessing the anxiety and failure of the younger in her endeavors to place the garland on the monument, one of them respectfully offered his assistance. The little service was received in the same spirit of kindness in which it had been tendered. The elder of the two sisters—for they were sisters—having risen from her devotions, and having been informed of what had occurred, slightly, yet gracefully, acknowledged the courtesy which had been evinced by the strangers; and, taking the arm of her relative, turned into the path which led to the gates of the cemetery.

Brief as this interview had been, its results were, to one of the strangers at least, neither slight nor fugitive. The fair mourner who had thus arrested his attention united in herself a beauty of face and figure, and an elegance of person and demeanor, rare, and almost faultless. These attractions, perhaps hightened in interest by the circumstances under which they were first presented, produced a deep and lasting impression upon Lambert Marston. The raillery of his less susceptible friend, Hastings, did not affect or diminish his enthusiasm. A short and unpretending inscription upon the tomb, afforded the information that it had been raised over the remains of their mother, by her only daughters, Eugenie and Mathilde de Marigny. No further particulars were to be obtained from it, as to the residence or family connexions of the two youthful orphans; but Marston was not of a character to be discouraged by such minor obstacles, where his heart and imagination took so decided a lead. Although he had not even heard the sound of her voice, he had already pictured to his own lively fancy, that the exceeding beauty of person of Eugenie de Marigny was only a type of her mental excellence and qualities; and for once, perhaps, love at first sight was not mistaken in its rapid calculation and combinations. To have followed the sisters would have been rude and unpardonable; neither had the slightest pretence arisen, which would warrant any such intrusion on the part of the two Englishmen. Marston wearied his friend, all the way back to their lodgings in Paris, by speculations on the situation and condition in life of the young females they had lately parted from, and by his unqualified and romantic admiration of the charms of the elder sister.

Many days passed away of continual, but ineffectual attempts, on the part of Marston, to discover the residence, or any other particulars, of the sisters. Every street, every thoroughfare, from the Champs Elysees to the Faubourg St. Antoine, had been explored in vain by him. All the public gardens, theatres, and places of amusement, had been resorted to for the same object. His disappointment was only to be equaled by the ill-humor of Hastings at being so often dragged out, as an assistant, in this endless, and, as he considered, ridiculous pursuit. Fortune at last smiled on the perseverance of Marston. On making one of his periodical inquiries at a repository where drawings and other articles appertaining to the arts were to be met with, he was informed that a lady, answering to the description he had given, was in the habit of sending there the productions of her own pencil, to be disposed of. His informant added, that although he knew but very little respecting the lady or her family, yet

from what he had seen or heard, she was amiable and highly respectable; and Marston was fully prepared himself to supply every superlative exaggeration to such a scanty groundwork of information. Having purchased some of the drawings, he procured the address of the fair artist, under the pretence of being desirous to have a particular subject executed on a larger scale.

Marston lost no time in repairing to the address of the residence which he had thus obtained. It was situated in an unfrequented street in the *Quartier du Marais*. To his question, if Mlle. de Marigny was at home, the *portiere* (one of the more than usually communicative of her class) replied in the negative; adding that Mademoiselle was at the Louvre, but that Madame Breville, her aunt, was in, and accompanying her information with many a searching look at the young and handsome Englishman. Marston mentioned that he had called on some little matter of business; and, leaving his card with the woman, hurried off to the Louvre, with all the eagerness of a lover opening the first chapter of accidents.

It happened to be at the period when many students and professors of painting availed themselves of the splendid resources of this vast national gallery, to pursue their daily course of application and improvement. The long apartment was, in some parts, filled with artists of either sex, who were generally laboriously and silently engaged in making studies from, or copies of, the different treasures which lined its extensive walls. Marston, eager for the attainment of one object alone—blind and insensible to all others, passed but awkwardly through the various obstacles, which the occupations of so many persons thus employed presented. Now disturbing the easel of some spectacled and bearded follower of Vandyke—then elbowing the pallette of some pretty brunette, in the act of transferring to her canvass the folds of a satin robe of Metzu; unmindful of the reproach and arch frown of the one—careless of the awful scowl and suppressed *sacre* of the other, Marston made his way to the farther end of the gallery; for he had, with an unerring exercise of the powers of sight, caught, at a distance, the glimpse of the lovely object of all his wishes, earnestly intent upon her easel, making a reduced copy of a celebrated Madonna by Carlo Dolce.

Venturing to take up a position behind her, without disturbing, or being seen by, the fair artist, Marston indulged himself by glancing at the nearly finished production of her skill. It afforded indisputable proofs of uncommon and superior talent in this branch of the arts. But how was the degree of pleasure derived from this examination, to be put in comparison with the feeling of delight which arose out of the hasty survey, made by the wandering Englishman, of the living model that rivaled the heavenly creation of Carlo Dolce's genius! Those mild blue eyes, shaded by their long silken lashes—that fair oval face, contrasted with the dark and lustrous chesnut hair, braided with elegance and simplicity—the well-rounded arm, and tapering fingers, displaying greater charms, and deriving additional beauties, from the occupation in which they were so gracefully employed! Marston remained for a few moments silent and inactive, as if under the influence of a magic and benumbing spell. But he had been recognized: a modest blush—a more modest smile—a gentle inclination of the head, had fully repaid him for all his past exertions and disappointment. He did not dare to commence a conversation; his admiration was so intense, his sentiment of respect so profound, that he could not venture upon risking, at the very outset, the failure of all his hopes, aspirations and enthusiasm.

Fortunate Marston! An old and meritorious professor of historical painting, then at one of the first schools of that art in Paris, with whom he was well acquainted, now joined him. This gentleman was a friend of Mlle. de Marigny; an introduction, without formality, was thus speedily accomplished; the professor being, on the one hand, well assured of the gentlemanly and estimable qualities of the Englishman, and on the other, of the amiability and excellence of his youthful countrywoman. It was late in the day, and Mlle. de Marigny had already completed her allotted task. She engaged, without difficulty, and with good-humor, in unrestrained conversation with Marston, on subjects connected with the arts, and with the historical associations so nearly related to them. Her knowledge of history, her judgement and taste on all these topics, were correct and well regulated. Her language was devoid of affection or abruptness—her feelings were vivid—and her principles firm and unbending upon every question where right and wrong could be at issue.

Marston was astonished—transported beyond his most ardent hopes. It was getting dusk—the fair Eugenie accepted of his offer to escort her to the Marais. It should be mentioned, that our enthusiastic Englishman was, in outward manners, unpretending, and any thing but forward: naturally respectful in his feelings towards the female sex, he was more than commonly respectful in his demeanor towards Mademoiselle de Marigny. Besides, the terms in which her friend, the professor, had taken an opportunity of expressing his opinion of Marston to her, before quitting the gallery, had disposed her to permit the following up of the introduction in a manner which the occasion otherwise could not have warranted. Eugenie was surprised at learning that Marston had called at her residence in the morning;—she was amused and, we will confess, not displeased at the confusion and hesitation which pervaded all his attempts to explain the cause of his visit. Oh! woman—woman! in all that relates to the heart—to its secrets and its disguises—who can deceive you?

Marston was introduced to Madame Breville, the aunt, and to Mathilde, the sister of Eugenie. The first was an elderly and infirm lady; the other, a bright-eyed, laughing, good-natured girl. In a few weeks he became an authorised and regular friend, and member of their little family circle. The aunt and neices were the last branches of an old and decayed family, long settled in the south of France. Their own means, but very limited, were greatly dependent on the successful exercise of the talents of Mlle. de Marigny. On her ability and judicious management, equally displayed in the superintendence of the concerns of every-day life, the tranquil and regular enjoyment of their domestic comforts mainly rested. In short, Eugenie knew how to throw a charm and interest over the most ordinary and barren incidents, and details of existence. The high tone of her moral principles sustained the cheerfulness and elegance of her mind: and commanded from those who really knew her, the voluntary tribute of mingled admiration and respect.

Our story is soon told. Marston became the impassioned and disinterested admirer of Eugenie, and Marston's attentions were not repulsed; indeed they were favorably received, for he possessed qualities and recommendations of no mean order and character. His friend, Hastings, who to the natural advantage of a cool and calculating disposition, joined the negative advantage of not being, or supposing himself not to be, in love, did not fail to represent to him continually the imprudence of his attachment, and the serious consequences that might follow on the step he meditated. For Marston enjoyed but a very narrow income; he had not any profession or opportunity to increase the same: and if he were to marry Mlle. de Marigny, he would forfeit a probable chance of obtaining eventually a considerable accession of fortune. But though Marston had his defects, as well as his good qualities, and amongst others, one of dangerous tendency, namely, the facility of yielding, from time to time, to varying and contrary advice and persuasion; yet, for the present, the impression made on him by Eugenie was too powerful for any conflicting influence. Eugenie was well acquainted with the restricted income he possessed—she entertained no apprehensions—she never dreamt of any difficulties on that point; her mind was firm, her heart was affectionate; and in it determination and tenderness were united.

An event occurred which precipitated matters. Mlle. de Marigny had been for some time past annoyed by the perseverance of the addresses of an officer, a native of the same province to which her family belonged. No discouragement or positive refusal could prevent his persisting in his hopeless suit; anger and jealousy hurried him on to offer a gross and public affront to Marston. The consequences could not be avoided: a hostile meeting ensued, and Marston received a wound, which confined him for some weeks to his own apartments. The decision and character of Mlle. de Marigny came now into full evidence: she had pledged her heart;—and, conscious of her own rectitude, no fear of the often miscalled opinion of the world restrained her from proving the purity and truth of her affections. She visited her lover during his illness, and by her conduct entitled herself to his fervent and lasting gratitude. During the course of the many conversations which then took place between them, it was with a feeling of pain that she heard Marston more than once reverting to the subject of the narrowness of his fortune, and expressing doubts whether her participation in the same would not expose her, for the future, to discomforts and privations. Eugenie successfully combated the view he took, and to all appearance the doubts or forebodings of the invalid were banished, or, at least, weakened, by the fascination of her presence. At her last visit she gave to him a lock of her beautiful hair, enclosed in a golden locket of curious and antique workmanship, that had belonged to her mother; and Eugenie had in return, some little time afterwards, received from her lover a modern imitation of the same, which concealed some of his own hair.

It had been before mentioned that Marston was, unfortunately, too easily swayed by the representations of his friends. Hastings had never abandoned his old line of argument as to the impolicy of any engagement with Mlle. de Marigny, and as to the consequent ruin of every worldly prospect of his friend. As Marston became convalescent, he was by accident thrown much into the society of some of his early and gay companions, who had then lately come to Paris. They having been informed by Hastings of the state of matters, and being entirely of the same opinion, joined with him in the concerted design of preserving Marston from the peril into which he was hurrying. Advice and ridicule were by turns resorted to. "Could he be contented," it was continually asked, "to live for ever in obscurity, with all the embarrassments of a family on the Continent? To eke out life, by shifts and contrivances, upon a slender pittance?"

"Of course," it was asserted, "he knew it would be impossible for him to attempt to reside in England; all his old connexions, intimacies and associations must be given up; Mlle. de Marigny might be beautiful and accomplished, but in England, where wealth and rank were the levers on which society moved, who would receive or patronize an unknown French woman? Could Marston submit to the neglect, the contempt entailed upon a poor gentleman and the unhappy partner of his poverty?"

These and other arguments, specious and true in part, constantly reiterated, did produce an effect on the wavering mind of Marston; it was in a state of perpetual oscillation and tormenting restlessness. The fact became, at last, too evident to Mlle. de Marigny; and it could not be a matter of surprise that, on Marston's return to Paris, after a short absence from that city, he found at his hotel a letter, of which the following passage is an extract:

"My affections, my faith, have been truly and freely pledged to you; but do not for a single instant imagine, if you repent of having accepted of the pledge, or if you hesitate to claim the fulfilment of the same, that I shall ever blame or reproach you. It is for *you alone* to decide, whether I am or am not necessary to your happiness. Do not deceive yourself in the decision—whatever it may be, I will abide by it. In the course of *to-morrow* I only will ask for your reply; and whatever that may be, believe me, it can never vary or diminish the sincere feeling and wish to contribute to your happiness, which is entertained by your affectionate EUGENIE."

Will it be credited, that Marston was so weak as to exhibit this letter to Hastings and his other companions, or that they could have acted so dishonorably as to persuade him that he had now an easy opportunity to get out of his engagement? Marston listened, hesitated, balancing his affection, or imaginary affections, with the arguments used, changing his resolutions over and over again, and finally suffered that and the following day to pass away, without seeing or returning any answer to Eugenie. At last his better genius prevailed, and he arrived at the resolute determination of shaking off the Mephistopheles influence that had been exerted against him, and of putting a complete stop to the evil, by seeking an immediate union with Mlle. de Marigny. On the third day he hurried, with eager expectation, to the house of Madame Breville; when, to his astonishment and consternation, he was informed by the *portiere* that the ladies had altogether quitted their lodgings on that same morning for the country, leaving no address whatever; but, from what had been mentioned, without any intention whatever of returning to Paris. His impetuous and repeated questions elicited but little additional information; the departure of the family had been extremely hurried, and from some words which had fallen from them, it appeared that their eventual destination was a distant part of France. The *portiere* believed that the *fiacre* which had taken them from their lodgings had driven to some *bureau* of traveling conveyances. She was ignorant of the place, however; all their heavy luggage had been previously removed at a very early hour; and the sagacious female added, as her fingers closed on the two-franc piece which was given by Marston to stimulate her powers of information, that all the party were very *triste*, and most particularly Mlle. Eugenie, who was in tears.

In vain did Marston harass his informant by fresh inquiries, offering her larger rewards for her assistance. She did know the person of the *commissionaire* who had removed the trunks and packages. Marston could not, with all his anxiety and activity, succeed in finding the man. He hurried to all the *bureaux des messageries*, but without the satisfaction of obtaining any clue to the pursuit he was making. Every body is well aware of the little chance that exists as to procuring any positive information at such offices, except what relates immediately to a mere matter of business.

The night had arrived, when Marston, wearied in mind and body, thwarted in all his endeavors, disgusted with himself and with his friends, indignant with Eugenie, returned to his own hotel. There was nothing in the past and little in the future prospect to console and tranquilize him; he mentally deplored his own irresolution and feeble will; he felt and avowed within his own heart that he had voluntarily forfeited the hand of the only woman who could have ensued him lasting content and happiness. Like a true example of weak and erring mortality, he tried, but unsuccessfully, to stifle the inward conviction of his own confirmed ingratitude and faithlessness, by encouraging an artificial feeling of anger against Eugenie for obstinacy and unkindness. Days and weeks were toiled through by Marston in his search after the actual residence of Madame Breville and her neices—not the slightest trace was obtained of their movements. Disappointment soured his temper; he hated every thing that recalled old recollections; for a time he deserted the society of his former companions, and at last, with a painfully reproaching conscience and a deeply wounded heart, Marston returned to England.

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No establishment was better supported and ordered, for its extent, than that of Mr. and Mrs. Pierpoint. Nobody gave better dinners or more agreeable parties. In town and in the country, their domestic arrangements were perfect—taste and elegance presided over all their entertainments. At their marriage, the whole of the fashionable world were loud in their exclamations upon the surprising good luck of Pierpoint in having secured so capital a prize in the wheel of matrimony. The bride was an heiress, of some clear ten thousand a year, young, well-born, clever, and handsome. She was the first cousin of her husband, who, under the directions of her father's will, had changed his original name of Marston for that of his wife's paternal family, Pierpoint. This marriage had been an object of careful solicitude and predestina-

tion from early years, on the part of Marston's parents and the late Mr. Pierpoint; and to every appearance it has been, on both sides, a union of free will and inclination. All the male fortune-hunting members of society were, at the time, thoroughly indignant that any man like Marston, with an income of barely four hundred pounds, should have aspired to so lofty a flight; and still more so, that he should have attained his object. All the *soi-disant* prophets upon the town were confounded to find that, six years after this marriage, Mr. and Mrs. Pierpoint had paid their bills regularly; and, though living with great hospitality and style, had not committed any extravagances or incurred any expenses which their means did not fully justify.

"What a singularly fortunate marriage!" exclaimed one friend.

"A perfect paradise on earth!" cried another. "What could they wish in addition? Wealth in profusion; beauty and pure blood in sufficiency; talents and good sense more than one woman in a thousand could boast of!"

"Happy Mr. and Mrs. Pierpoint!" chorussed the whole united host of male and female acquaintance. Moreover, three children, two girls and a boy, had been the offspring of their marriage; so that there was nothing left to desire, no ulterior wish to realize.

Must the truth be really told? It is very disagreeable to destroy all the glittering illusions of life—like the lame and searching imp, to drive into and expose all the hidden secrets of the domestic interior, and to penetrate and lay bare the more concealed workings of human hearts and motives. Mr. and Mrs. Pierpoint were any thing but happy.

When he (then Lambert Marston) had returned from France, he was necessarily thrown again into intercourse with his family and their connexions. Still smarting under the disappointment his pride and affection had experienced, he sought to banish the recollection of the past by the excitement of new scenes and occupations, for no hope existed of his ever again meeting with Eugenie de Marigny. Circumstances had kept him apart from the society of his cousin, Miss Pierpoint, for a considerable period of time; almost for that period which intervened between the relative positions of the girl and the woman. It was well remembered by him that the will of his uncle distinctly pointed to the improvement of his worldly fortune, as conditioned upon a marriage with his cousin, and he understood clearly the disadvantages of his own limited income. Marston had already entered upon the conviction, in his own mind, of the folly of wasting his youthful career in dreams of romantic feeling. His friends had, therefore, a very easy task to persuade him that it was his duty to secure the splendid advantages which lay within his reach; and when he beheld the fair Isabella Pierpoint, soon after his arrival in England, lovely in person, interesting from her mental qualifications, and willing to listen to his suit and professions, Marston forgot for a time those former visions of bliss and contentment which the prospect of a union with a poor, unknown and unnoticed French girl had once evoked.

Mrs. Pierpoint was well read, well informed—decidedly clever; but Mrs. Pierpoint was by no means disposed to undervalue her own acquirements or abilities. She was, in fact, superior in power and strength of mind to her husband; and she was disposed to exact from him a regular and sufficient tribute to such superiority. Mrs. Pierpoint was allowed by fastidious judges to be a remarkably handsome woman; and being duly conscious of her personal advantages, she was gratified by admiration, and she expected it in full and regular measure from her husband. Mrs. Pierpoint had been a very rich heiress; this she never forgot, or that she had raised Lambert from comparative obscurity to opulence; and though she was liberal and skilful in the management of affairs, yet her husband soon felt he could only expect to be but subordinate in matters requiring control and decision.

Differences of opinion, growing gradually into discontent and coldness, but as yet concealed from the inquisitive gaze of the world, naturally arose out of this unfortunate state of things. It was to be lamented, also, that there was a simultaneous growth of feelings (as far as Lambert was concerned) of regret, compunction and tenderness, all blended together, and branching towards one object—the still cherished image of Eugenie de Marigny. At the period at which this second division of our story commences, namely, some six or seven years after the marriage, the sanctity of the domestic hearth had been invaded and embittered by many an open quarrel, producing temporary alienation of kindness and attention on the part of Mr. Pierpoint.

It was during his absence in Holland, occasioned by one of these unhappy disputes, that Pierpoint received a letter from his wife, written in friendly and affectionate language. She expressed deep and real regret at what had occurred, and solicited his return to his family, holding out the hope and promise of a permanently improved future. The letter further mentioned that the health of the writer had materially suffered, and that the time had arrived when the age and education of her daughters would require care and attention; that she had heard of a lady, well qualified in every respect to act as her companion, and to watch over the well-doing of her children; and she concluded by paying her husband the compliment of asking his sanction to the step she had already determined upon, of engaging the services of such lady.

Pierpoint was somewhat shaken in his resolutions by the receipt of this letter, though he persuaded himself that the argument of ill health was one exaggerated for the purpose. He had left his home under the influence of great anger and excitement, and he was not in a mood to yield an immediate acquiescence to the request now addressed to him for his return. His answer was polite and formally kind, pretending that some business still detained him in Holland; and agreeing in opinion that the plan of receiving a companion, who would superintend the approaching education of the children, was one desirable and expedient. A second letter shortly afterwards reached Pierpoint, which assured him that his wife felt really very unwell, and that, although her expected female companion, Mlle. Rozier, had arrived, and was every thing with respect to character, appearance and competence, she could have desired, she still eagerly looked forward to her husband's return.

Pierpoint did not hesitate any longer. Indeed, an indescribable feeling of alarm—a heavy presentiment of evil—weighed upon his mind. He knew not why—but he could not shake it off. Although his wife was indisposed, no statement of any real or imagined danger was conveyed by her letters, and his return appeared to be desired more on the ground of a decided wish for reconciliation and tranquility.

When Pierpoint arrived in London, where his family were then settled for the season, he found his wife certainly very unwell. A severe cold had settled on her chest, and her flushed and hectic cheek spoke of internal and acute suffering. He was received with more than ordinary affection, and he repaid it by unwonted kindness and delicacy of demeanor on his own part. Mrs. Pierpoint evidently rallied, and regained cheerfulness at the interview with him. She looked forward to her convalescence, and with the prospect of renovated health, to the determination of confirming, by every effort, the renewal of a good understanding and affection. She conversed with her husband, mildly and sensibly, on the plans which she had ventured to form relative to the education of their children, sincerely asking his advice, and wishing to defer to his opinion. Mrs. Pierpoint expressed her pleasure in having secured the valuable assistance of Mlle. Rozier, whom she described as an angel in disposition and person, and as possessed of every requisite in the way of talents and accomplishments. In reply to her husband's inquiries, she told him that she understood Mlle. Rozier was of French extraction, and had but lately come from New-Orleans, having been most strongly and particularly recommended by persons well known to some friends of the Pierpoint family. However the circumstance of this new inmate of their domestic circle being a French-woman, of mental and personal attractions, might awaken lingering recollections and revive early impressions in the breast of Pierpoint; yet, to do him justice, it must be said that he felt within his heart a glow of satisfaction, a promise of internal peace and comfort, a foretaste of quiet, domestic enjoyment, at the prospect of an altered and happy understanding with his wife, to which, for years, he had been a stranger. He entered freely into all her projects, anticipated all her wishes; submitted to her judgement with so much sincerity and kindness, that both parties separated from the interview with the unfeigned and honest intentions of acting up to their professions.

Mrs. Pierpoint was compelled, by the infirm state of her health, to submit to a confinement in her own apartments, where Mlle. Rozier was in the habit of passing the greater part of her time. On the following day the two ladies were together as usual, Mrs. Pierpoint talking with animation on the subject of her husband's return, and assuring her companion that she anticipated much gratification in making them acquainted. Mrs. Pierpoint was showing to Mlle. Rozier several trinkets and objects of curiosity which Lambert had brought with him as presents. Their discourse turning to the subject of dress and ornaments, Mrs. Pierpoint greatly admired a gold locket, of apparently antique workmanship, which Mlle. Rozier wore round her neck. The latter took it off for Mrs. Pierpoint's closer inspection; and, in so doing, it was evident that some sorrowful recollection was associated with the trifle, as Mlle. Rozier sighed heavily more than once. Mrs. Pierpoint remarked that she had never seen any ornament at all resembling it, except one, which her husband wore constantly about his person, prizing it most highly; and which, to the best of her memory, was very similar to, if not a duplicate of, the ornament in question. She added also that there was some story connected with the same, but which her husband never would impart, and that any allusion to the matter always appeared to affect him with melancholy.

The emotion of Mlle. Rozier visibly increased. She became pale as marble, as she listened to this statement.—Mrs. Pierpoint asked her repeatedly if she felt suddenly ill, but to all her questions the only answer returned was, "No! Oh, no! It never can be! Impossible!"—And these few words were rendered nearly inaudible by the hysterical sobs that accompanied them, and which Mlle. Rozier in vain endeavored to suppress. Recovering herself, after this temporary exposure of feeling, she inquired of Mrs. Pierpoint if she knew when her husband had first become possessed of the locket, and if it had been the gift of any deceased friend?

"I cannot at all guess," the lady replied; "all I know is, that when we married, Lambert, then Lambert Marston, had not long returned from France, and he was then the possessor of the trinket."

This explanation had hardly been completed when Mlle. Rozier fainted, falling from her chair upon the floor. Ere her friend could summon assistance, a tap at the door announced a visit from her husband. On his entrance, Mr. Pierpoint was startled at beholding his wife (herself an invalid) hanging over another female, in a state of insensibility, and endeavoring to restore her. The hair of Mlle. Rozier was dishevelled, in long and dark masses; and its tresses partly concealing the lineaments of her face, Pierpoint could only discern that it was a countenance which, in any other situation, would be singularly beautiful. Before ringing for the servants, Pierpoint hastened to the assistance of his wife, and spoke to her in accents rendered more earnest and distinct by the excitement of the scene. Perhaps the sound of a strange voice might have acted as a stimulus to the depressed nerves of Mlle. Rozier; but, whatever the cause might have been, she opened her eyes, and looking with alarm upon Pierpoint, who was supporting her, burst into a violent flood of tears.

How painful was the agitation of Pierpoint! What a confused medley of passions, thoughts, contradictory feelings and apprehensions rushed through every fibre of his heart, when he beheld and assured himself that he was not deceived in thus beholding, in the person of Mlle. Rozier, his long-lost, beloved, and lamented Eugenie! Yes—there she was, still, in his eyes at least, as lovely and attractive as on the first day of his meeting with her.

As lovely, as attractive!—Alas! such terms are too commonplace—too powerless for their object. Eugenie was far more beautiful to him than his early and enthusiastic fancy had ever pictured. Though the girl of nineteen had become the woman of six-and-twenty, and Lambert himself was full seven years older, still his heart was as fresh and as young as ever, in its sentiments toward her; and he gazed with eyes of affection and sorrow upon her, as she rested on his shoulder for support. Returning consciousness suffused her cheeks, and no traces of the touch of time could be perceived in that beautiful face, except that something of its original delicacy and extreme fairness might have passed away.

When Eugenie had entirely recovered from her hysterical faintness, she still wept bitterly, and, beckoning with considerable agitation to Lambert to leave the apartment, she clung to Mrs. Pierpoint, who folded her in her arms. Lambert could not refuse his immediate compliance, and, with mixed sensations of grief and pleasure at this unexpected meeting, left the room. It will be readily supposed that Eugenie did not hesitate to enter instantly upon an explanation of this distressing scene to Mrs. Pierpoint. The occurrences, in which Lambert had borne so principal a part, were detailed to her; but by the fair and sorrowful narrator, in a manner as lenient to her former lover as the occasion could possibly permit. Eugenie informed her friend that when she, with her sister and aunt, quitted Paris seven years back, they had gone to their native province in the South of France, intending herself to exercise the profession of an artist. That her aunt soon afterward died, and her sister Mathilde married a merchant of Bordeaux, who had a large concern at New-Orleans. That she accompanied them to that part of America, and remained there until her sister unhappily fell a sacrifice to the climate, when she came to England, changing her name in order to satisfy a little scruple of pride on account of her family.

Such was the narrative of poor Eugenie de Marigny, which was concluded by her earnest demand, amounting to a solemn entreaty, that Pierpoint should be instantly informed she could never endure the misery—the acute suffering of another interview; and that she felt it but an act of common justice due to herself, to Mrs. Pierpoint, and to Lambert himself, to quit their house—to leave London immediately. She added, in tears, to Mrs. Pierpoint, a further request—to impress upon Lambert the conviction of the utter uselessness of any desire or attempt on his part to seek her or write to her, as she would embark for the continent as early as she possibly could.

All this was communicated to Pierpoint, who listened the sentence of perpetual exclusion in silent grief. He well remembered the firm and high tone of Eugenie's character—resolute and uncompromising in the maintenance of the principles of rectitude. Eugenie took her departure on the very next day, receiving every demonstration of friendship and kindness from Mrs. Pierpoint, who, of course, entirely coincided in the propriety of her determination.

Mrs. Pierpoint slowly regained her health, but these late events had, it must be confessed, tended to destroy the good understanding which had been renewed or created between her husband and herself. Old sources of disagreement were reopened; new causes of difference were engendered; a more positive bitterness of feeling on both sides sprung up. A virtual separation ensued, and Lambert Pierpoint, in despair, became again a solitary wanderer on the continent of Europe.

The growing, though stifled excitement, and the general political causes which had led to the events of the Revolution of the three days of July 1830, in Paris, had diffused their influence, although with a less degree of power, through many of the departments of France.

In one provincial town of the South, political disputes were aggravated by the spirit of religious dissension, which ha

arrayed itself in hostile competition between the two classes of Catholic and Protestant inhabitants. The population were restless—their ordinary occupations were neglected—their social feelings disturbed. Already the murmurs of discontent, and the audible whispers of menace, on the part of the stronger political faction, had announced the near approach of the coming storm.

An *emeute* soon took place; the authorities of the town were openly insulted; and the police, with the few troops then at hand having been attacked, defended themselves against superior numbers with skill and energy. The tumult and conflict raged through the principal streets and thoroughfares, where the heavy and repeated discharge of fire-arms had driven away all but the actual combatants, and a few inactive spectators, who, taking no share in the contest, appeared reckless of the violence and danger which surrounded them. Among the latter, a tall and handsome man, apparently a foreigner and a stranger, who had been standing near to the doorway of a house, was observed to stagger, and fall heavily upon the pavement. A musket-ball, glancing at an angle from a window-shutter, had pierced his breast. When the strife and confusion had somewhat subsided in that quarter, the wounded stranger was carefully removed, in a state of great exhaustion, from profuse loss of blood, to the *Hotel Dieu* of the town, for the benefit of surgical assistance. From letters and papers found on his person, it appeared that he was an Enlish gentleman, by name, Lambert Pierpoint.

This unfortunate man had then been absent several months from England; roaming without any defined purpose, except, perhaps, under the impulse of some hidden motive connected with the hope of discovering the retreat of Eugenie de Marigny. Reserved and abstracted, and shunning society, he had derived no pleasure from the amusements or occupations of life. Most things had become vapid and uninteresting, and many, productive of disgust to him.

Every remedy and attention that medical science and kindness could devise, was paid in the hospital to Lambert Pierpoint. The wound had been inflicted in a vital part, and the consequences were not to be mistaken. He had recovered his senses and speech only to feel an internal conviction, which the manner of the surgeon and attendants confirmed, that his hours were numbered, and his earthly hopes and sorrows on the point of eternal extinction.—Having regained temporary strength enough to enable him to cast a wandering and hurried glance around, he saw a female, clothed in the garb of her heavenly order, a *Sœur de Charité*, standing beside his bed. Some extraordinary impression—some passing vision, suddenly appeared to reanimate the sinking features of the feeble sufferer. His quivering fingers grasped with eagerness at a golden locket which hung upon his panting bosom, and when satisfied that it still rested there in security, a faint smile of pleasure lighted up his pallid countenance. The *Sœur de Charité*, hanging over the bed, watched every gesture, every motion of the wounded man, with intense and breathless anxiety. Lambert, by a considerable effort, raising his head, turned toward her.—One look was sufficient: their eyes met in mournful recognition—their hearts beat in painful unison. Even in his weakened state, he had instantly recalled to his fleeting senses the image of his beloved, his adored Eugenie. In a voice weak and tremulous, but still sufficiently and awfully distinct, he expressed his gratification in rendering up his last breath in her arms. His dying request was, that he might be interred in the cemetery of Perè la Chaise, near to the tomb of her mother, where they first had met. Eugenie, pale, trembling, convulsed with internal agony, her eyes blinded by her tears, promised to obey every wish—every injunction of of her lover.

Who—who but the Almighty Father of Mercy, could know the misery which desolated the heart of Eugenie, as it sustained the struggle between human passion and tenderness, and the inward remonstrance of deep religious feeling?—Falling on her knees, regardless of the few surrounding and pitying spectators, she prayed, almost aloud—"Oh, God! Judge and Saviour of all men, receive his soul! Pardon his infirmities. In Thine infinite mercy, grant me fortitude and resignation. Forgive my sin, if I, Thine erring creature, have sinned, in loving with purity and in hopeless sorrow!"

The prayer had ceased—the breath of life had departed from Lambert Marston. His dying wish was implicitly fulfilled. At this day, a simple and unostentatious tablet, placed near to the tomb of Madame de Marigny, in the cemetery of Perè la Chaise, tells to the passing observer that the mortal remains of Lambert Pierpoint lie interred beneath.

SKETCH OF FITZ-GREENE HALLECK.

BY WILLIAM CULLEN BRYANT.

Halleck is one of the most generally admired of all our poets, and he possesses what no other does, a decided local popularity. He is the favorite poet of the city of New-York, where his name is cherished with a peculiar fondness and enthusiasm. It furnishes a standing and ever-ready allusion to all who would speak of American literature, and is familiar in the mouths of hundreds who would be seriously puzzled if asked to name any other American poet. The verses of others may may be found in the hands of persons who possess some tincture of polite literature—young men pursuing their studies, or young ladies with whom the age of romance is not yet past; but those of Halleck are read by people of the humblest degrees of literary pretension, and are equally admired in Bond street and the Bowery There are numbers who regularly attribute to his pen every anonymous poem in the newspapers, in which an attempt at humor is evident, who "know him by his style," and whose delight at the supposed wit is hightened almost to transport by the self-complacency of having made the discovery. His reputation, however, is not injured by these mistakes, for the verses by which they are occasioned are soon forgotten, and his fame rests firmly on the compositions which are known to be his.

The high degree of local popularity has, for one of its causes, the peculiar subjects of many of the poems of Halleck, relating, as they do, to persons and things and events, with which everybody in New-York is more or less acquainted; objects which are constantly before the eyes, and matters which are the talk of every fireside. The poems written by him, in conjunction with his friend, Doctor Drake, for the Evening Post, in the year 1819, under the signature of Croaker, and Croaker and Co., and the satirical poem of Fanny, are examples of this happy use of the familiar topics of the day. He will pardon this allusion to works he has never publicly acknowledged, but which are attributed to him by universal consent, since, without them, we might miss some of the peculiar characteristics of his genius.

Halleck's humorous poems are marked with an uncommon ease of versification, a natural, unstudied flow and sweetness of language, and a careless, Horatian playfulness and felicity of jest, not, however, imitated from Horace, or any other writer. He finds abundant matter for mirth in the peculiar state of our society, in the heterogenous population of the city:

"Of every race the mingled swarm,"

in the affectations of newly-assumed gentility, the ostentation of wealth, the pretensions of successful quackery, and the awkward attempt to blend with the habits of trade an imitation of the manners of the luxurious and fastidious nobility in the world—the nobility of England. Sometimes, in the midst of a strain of harmonious diction, and soft and tender imagery, so soft and tender that you willingly yield yourself up to the feeling of pathos, or to the sense of beauty it inspires, he surprises you with an irresistible stroke of ridicule.

"As if himself he did disdain,
And mock the form he did but feign;"

as if he looked with no regard upon the fair poetical vision he had raised, and took pleasure in showing the reader that it was but a cheat. Sometimes the poet, with that aerial facility which is his peculiar endowment, accumulates graceful and agreeable images in a strain of irony so fine, that did not the subject compel you to receive it as irony, you would take it for a beautiful passage of serious poetry—so beautiful, that you are tempted to regret that he is not in earnest, and that phrases so exquisitely chosen, and poetic colouring so brilliant, should be employed to embellish subjects to which they do not properly belong. At other times, he produces the effect of wit by dexterous allusions to contemporaneous events, introduced as illustrations of the main subject, with all the unconscious gracefulness of the most animated and familiar conversation. He delights in ludicrous contrasts, produced by bringing the nobleness of the ideal world into comparison with the homeliness of the actual; the beauty and grace of nature with the awkwardness of art. He venerates the past and laughs at the present. He looks at them through a medium which lends to the former the charm of romance, and exaggerates the deformity of the latter.

Halleck's poetry, whether serious or sprightly, is remarkable for the melody of the numbers. It is not the melody of monotonous and strictly regular measurement. His verse is constructed to please an ear naturally fine, and accustomed to a wide range of metrical modulation. It is as different from that painfully-balanced versification, that uniform succession of iambicks, closing the scene with the couplet, which some writers practise, and some critics praise, as the note of the thrush is unlike that of the cuckoo. Halleck is familiar with those general rules and principles which are the basis of metrical harmony; and his own unerring taste has taught him the exceptions which a proper attention to variety demands. He understands that the rivulet is made musical by obstructions in its channel. You will find in no poet, passages which flow with a more sweet and liquid smoothness; but he knows very well that to make this smoothness perceived, and to prevent it from degenerating into monotony, occasional roughnesses must be interposed.

But it is not only in humorous or playful poetry that Halleck excels. He has fire, and tenderness, and manly vigor. and his serious poems are equally admirable with his satirical. What martial lyric can be finer than the verses on the Death of Marco Bozzaris! We are made spectators of the slumbers of the Turkish oppressor, dreaming of "victory in his guarded tent;" we see the Greek warrior ranging his true-hearted band of Suliotes in the forest shades; we behold them throwing themselves into the camp; we hear the shout, the groan, the sabre-stroke, the death-shot falling thick and fast, and in the midst of all, the voice of Bozzaris bidding them to strike boldly for God and their native land. The struggle is long and fierce; the ground is piled with Moslem slain; the Greeks are at length victorious; and, as the brave chief falls bleeding from every vein, he hears the proud hurrah of his surviving comrades, announcing that the field is won, and he closes his eyes in death,

"Calmly, as to a night's repose."

This picture of the battle is followed by a dirge over the slain hero—a glorious outporing of lyrical eloquence, worthy to have been chanted by Pindar or Tyrtæus over one of his ancestors. There is in this poem a freedom, a daring, a fervency, a rapidity, an affluence of thick-coming fancies, that make it seem like an inspired improvisation, as if the thoughts had been divinely breathed into the mind of the poet, and uttered themselves, involuntarily, in poetic numbers. We think, as we read it, of

"—— The large utterance of the early Gods."

If an example is wanted of Halleck's capacity for subjects of a gentler nature, let the reader turn to the verses written in the album of an unknown lady, entitled, "Woman." In a few brief lines, he has gathered around the name of woman a crowd of delightful associations—all the graces of her sex, delightful pictures of domestic happiness and domestic virtues, gentle affections, pious cares, smiles and tears, that bless and heal,

"And earth's lost paradise restored,
In the green bower of home."

'Red Jacket' is a poem of a yet different kind; a poem of manly vigor of sentiment, noble versification, strong expression, and great power in the delineation of character—the whole dashed off with great appearance of freedom, and delightfully tempered with the satirical vein of the author.—Some British periodical lately published, contains a criticism on American literature, in which it is arrogantly asserted that Campbell's Outalissi is altogether the best portraiture of the mind and manners of an American savage which is to be found in English verse. The critic must have spoken without much knowledge of his subject. He certainly could never have read Halleck's Red Jacket. Campbell's Outalissi is very well. He is a 'stoic of the woods,' and nothing more; an Epictetus put into a blanket and leggins, and translated to the forests of Pennsylvania; but he is no Indian. Red Jacket is the very savage of our wilderness. Outalissi is a fancy sketch of few lineaments. He is brave, faithful and affectionate, concealing these qualities under an exterior of insensibility. Red Jacket has the spirit and variety of a portrait from nature. He has all the savage virtues and savage vices, and the rude and strong qualities of mind which belong to a warrior, a chief, and an orator of the aboriginal stock. He is set before us with sinewy limbs, gentle voice, motions graceful as a bird's in air, an air of command, inspiring deference; brave, cunning, cruel, vindictive, eloquent, skilful to dissemble, and terrible when the moment of dissembling is passed, as the wild beasts or the tempests of his own wilderness.

A poem which, without being the best he has written, unites many of the different qualities of Halleck's manner, is that entitled 'Alnwick Castle.' The rich imagery, the airy melody of verse, the grace of language which belong to his serious poems, are to be found in the first half of the poem, which relates to the beautiful scenery and venerable traditions of the old home of the Percys; while the author's vein of gay humor, fertile in mirthful allusion, is witnessed in the conclusion, in which he descends to the homely and peaceful occupations of its present proprietors.

Whoever undertakes the examination of Halleck's poetical character will naturally wish for a greater number of examples from which to collect an estimate of his powers. He has given us only samples of what he can do. His verses are like passages of some mighty choral melody, heard in the brief intervals between the opening and shutting of the doors of a temple. Why does he not more frequently employ the powers with which he is so eminently gifted? He should know that such faculties are invigorated and enlarged and rendered obedient to the will by exercise. He need not be afraid of not equaling what he has already written. He will excel himself, if he applies his powers, with an earnest and resolute purpose, to the work which justice to his own fame demands of him. There are heroes of our own history who deserve to be embalmed for immortality in strains as noble as those which celebrate the death of Marco Bozzaris; and Halleck has shown how powerfully he can appeal to our acts of patriotism, in his "Field of the Grounded Arms," a poem which has only been prevented from being universally popular by the peculiar measure in which it is written.

ON THE PORTRAIT OF LADY GARDNER.

BY H. F. CHORLEY.

A FLOWER herself—her nosegay droopeth down,
The while she thinks of flowers; and her mild eye
Resting, not roaming in its fantasy,
Leaves the unreal splendors of the town
For some quaint pleasaunce, old and richly grown,
And sees the golden summer-noon go by,
While elves, who dwell in blossoms till they die,
Ply their small tasks, till all the turf be strown
With faded leaves, and mournful, rifled bells.
Despise not, lady, such a simple thought—
Sent, like thy flowers, to give a passing grace
To a drear world of follies and farewells;
Too blest art thou, by gentle angel, brought
From life's exhausting shows to Fancy's hiding-place!

Heath's Book of Beauty.

THE NEW-YORKER.

SATURDAY, JANUARY 11, 1839.

Editorial Correspondence.

ALBANY, Tuesday, Jan. 7.

THE LEGISLATURE OF NEW-YORK convened at the Capitol at 11 o'clock this morning. In the Senate Lieut. Gov. Bradish called to order, took the Chair, and directed the Clerk to call over the list of Members. Twenty-seven of the thirty-two Senators answered to their names; the five absentees being Messrs. Tallmadge, Verplanck, and Tompkins of the First, and Messrs. Skinner and Wager of the Fifth District. The usual Committees to wait on the Governor and Assembly were then appointed; and the rule of the last Session by which the selection of Committees was taken from the President and devolved on the Senate, voting by ballot, was annulled. A recess was then taken to await the organization of the House; but that process being protracted, the Senate resumed the transaction of business, and proceeded to designate by lot the terms for which the three new Senators from the Third District should respectively serve. Those Senators drew as follows: Mr. Sanford 1 year; Mr. Humphrey 2 years; Gen. Root 4 years. So they were declared duly elected to serve for those terms. The usual order in relation to Chaplains, newspapers for the Members, Joint Rules, &c. &c. were taken. At 10 o'clock, the Assembly having completed its organization, the usual Messages were interchanged and the Governor's Annual Message forthwith delivered. It was read, committed to a Committee of the Whole House, and five times the usual number of copies (250) ordered to be printed. The Senate then adjourned.

The Assembly was called to order by the Clerk of the last session at the designated hour, and proceeded to ballot for Speaker, with the following result:

For GEO. W. PATTERSON of Livingston Co. (Opp.)...68
" LEVI S. CHATFIELD of Otsego Co. (Adm.).....56
" J. R. Lawrence 1 (Mr. P.) Blank 1 (Mr. C.) — Patterson over all 10; over Chatfield.....12

One Member of each party was absent; Mr. Mann of Seneca, Adm., and Mr. T. H. Porter of Cattaraugus, Whig. The Assembly, when full, is known to stand 70 to 58.

The Assembly proceeded to elect by similar majorities the following officers, who had been selected at a meeting of the Whig Members the evening previous, viz:

PHILANDER B. PRINDLE, of Chenango Co., *Clerk;*
MINOS MCGOWEN, of Tompkins Co., *Sergeant-at-Arms;*
SAMUEL FRANCIS, Jr., of Onondaga Co., *Door-Keeper;*
A. H. GROVESTEEN, of Fulton Co., *Assistant do.*

Mr. Patterson, it is well known, was Speaker of the last House, and has been a Member for many years. Mr. Prindl has been Assistant Clerk for two years past, and in the Whig Caucus received every vote on the first ballot—Mr. Lee, the old Clerk, declining a reëlection. Mr. Francis was Door-Keeper last year. The other officers are new hee.]

The Assembly having thus been organized, the Governor's Message was received and read. It was listened to with profound attention, and received the enthusiastic approbation of the dominant party, and the general *disapprobation* of the opposite body. It was committed to a Committee of the Whole, and five times the usual number of copies ordered to be printed.

Mr. Enos of Madison now moved the usual resolution, similar to one which passed the Senate unanimously, that the several Pastors of congregations in this City be invited to officiate in turn as Chaplains of this House, and open its sessions by prayer. [For this service they receive no compensation.] Mr. Hertell of New-York strenuously objected to the passage of this resolution, and asked that it be ordered to lie over for consideration, which was agreed to.

Mr. P. B. Porter of Niagara gave notice of a bill in relation to the office of State Printer.

Mr. J. R. Lawrence of Onondaga moved a concurrent resolution that the Legislature will proceed to elect a U. S. Senator to fill the existing vacancy on the 9th inst. (Thursday.) Objection being made to the precipitancy of this movement, the time was changed to Saturday the 11th, in which shape the resolution passed, and was sent to the Senate for concurrence. Adjourned.

GOVERNOR'S MESSAGE.

Fellow-citizens of the Senate and Assembly:

The experience of the past year teaches us that the most perfect form of government and the most favored condition of society cannot exempt us from the vicissitudes of life. We have, nevertheless, great cause of thankfulness to the Universal Father. The seasons have been propitious; we have been free from the ravages of pestilence, and the calamities of war; the earth has yielded abundant fruits, and notwithstanding the embarrassments which have been felt by every class of society, the comforts of life were never more equally or more profusely distributed. Industry has not been diverted from its pursuits, and mutual confidence, although temporarily shaken, has still a firm support in the prevalence of morality and the supremacy of the laws. The credit of the state remains unimpaired, and its currency has in a great degree escaped the evils which have elsewhere proved disastrous. Peaceful relations have been maintained with foreign countries, and the harmony of the States has not been disturbed. The great safeguards of our liberty remain; all the elements of our national prosperity have been preserved; and we are permitted to rejoice with increased confidence in the durability of the Union, and the perpetuity of republican institutions.

The officer having charge of the fiscal department will lay before you full information concerning the condition of the Treasury. The revenues of the State have increased during the fiscal year. The auction duties have amounted to $225,401 84, being an increase over those of the preceding year, of $83,299 49. The amount received for salt duties has been $189,263 12, being an excess over those of the previous year of $80,333 57.

I respectfully refer you to the report which will be submitted by the Commissioners of the Canal fund, for detailed information concerning that fund and the operations of the Commissioners. The amount of tolls, including rents of surplus water and sales of lands, on all the canals during the last fiscal year, was $1,656,902 11, being an increase over the receipts of the previous year of $165,202 15. The whole amount of charges upon the canals, excepting interest on loans, was $599,099 37; which deducted from the receipts leaves the nett proceeds from tolls $1,057,802 74. The amount of charges has been increased $139,111 78 during the past year by payments, in pursuance of legislative direction, for the Glenn's Falls Feeder, for the improvement of the Tonnewanda and Ellicott Creeks, and for the Black River Canal, and Erie Canal feeder, and by payments under special acts for previous liabilities, leaving the ordinary charges at $459,987 59. The charges of the preceding year, after deducting the extraordinary payment for the Glenn's Falls Feeder, were $562,315 32, showing a diminution in the ordinary charges during the last fiscal year of $102,327 73.

The productive capital of the Common School Fund, at the close of the last fiscal year, was $1,932,421 99, to which has been added the sum of $45,647 64, making an aggregate of $1,978,069 63.—The revenue during the year, including $165,000 appropriated from the income of the U. S. Deposite Fund to the support of common schools, was $282,472 27. The amount paid out of the Treasury was $275,000 04.

The capital of the Literature Fund is $268,164 39. The revenue during the year, including $28,000 appropriated from the income of the U. S. Deposite Fund was $48,109 07. The amount paid from this revenue was $47,978 46.

The Bank Fund has a capital of $818,820 59. Its revenue during the year was $36,638.20. There has been paid during the same period, to contributing banks, on account of dividends, $29,681 51.

The improvement which has taken place in all the revenues of the State, while it must be highly gratifying to our fellow citizens, will, I hope, conduce to greater economy in the management of public affairs.

The fourth instalment of the U. S. Surplus Revenue, which was directed to be distributed among the States by an act of Congress, is still withheld. The portion of that instalment due to this State is $1,338,173 57. Relying upon prompt payment of this instalment, the State has loaned an equivalent sum to her citizens. I cannot doubt that they will insist upon the fulfilment of the pledge of the Federal Government, and will, at the same time, protest against the withdrawal of the instalments already received.

Two hundred and nine convicts were received, within the year, into the State Prison at Mount Pleasant. The whole number of convicts in that prison is eight hundred and five.—The amount received for labor during the past year, including the value of marble furnished for the construction of the new State Hall, was $73,203 34. The expenditures, including moneys paid for the completion of the prison for female convicts, and the expense of transportation of convicts, were $73,449 81.

The number of convicts in the State Prison at Auburn is six hundred and sixty-five. The number received during the year was two hundred and twenty-eight. The earnings of the prison, during the year, were $60,161 46, and the expenditures $51,671 21.

The high reputation which this State had acquired from the improvement of its criminal code, and from its system of penitentiary discipline, has recently become impaired by very general complaints of inhumanity in the management of our prisons. While the punishment of offenders should always be enforced with firmness, the spirit of the age manifestly requires that discipline should be tempered with kindness, and that moral influences, rather than severe corporeal punishment, should be employed to secure the submission and promote the reformation of the convict. I trust that you will bestow early attention upon the defects of the present system, and I respectfully suggest that provision be made by law for the instruction of convicts, and for supplying them with such books as shall conduce to their reformation.

I also invite your attention to the condition of our county jails. The baleful influence of vicious association is too often promoted by the defects in their construction, and the experience they furnish is calculated to destroy whatever remains of generous spirit or virtuous motives. Their defects demand correction, not less upon the ground of economy than from considerations of humanity, and if we would not fall into a common error, we should seek to reclaim less hardened offenders by cultivating their moral feelings while we are dispensing the punishment awarded to their crimes.

You will learn from the report of the managers of the House of Refuge, that the responsibilities of that institution have been discharged with efficiency and with the most salutary results. The establishment of a similar institution in the western part of the State, is desired by a very large number of our fellow citizens. This proposition derives weight from the consideration of the expense of transporting offenders from distant counties, and the cost of maintaining them in a populous city, and will doubtless receive at your hands the discriminating favor to which it is justly entitled.

The Institution for the instruction of the Blind continues to discharge its responsibilities with good success. It has 66 pupils, of whom 59 are state pupils, and there are 69 vacancies to be filled from the different counties, in pursuance of the law passed at the last session. The Institution for the Deaf and Dumb administers its inestimable benefits to 170 pupils, maintains it high reputation, and enjoys the unmeasured confidence and kindness of the community among whom it is located. One hundred and twenty of these pupils, being the full number allowed by law, are supported at the expense of the State.

I transmit a report of the commissioners appointed to superintend the erection of the Lunatic Asylum, from which you will learn that they are prosecuting their important duties with efficiency.

Our scientific institutions continue to maintain their high reputation. Twenty-five students were graduated at Columbia College within the year, and that institution has now one hundred and thirty-eight members. The number of graduates at the University of the City of New-York was twenty-eight, and its present number of under-graduates is eighty. The grammar school connected with that institution contains two hundred and sixty pupils. One hundred and six students received their first degree at Union College, and it has now two hundred and seventy-eight members. There are ninety-two students at Hamilton College, and seventeen were graduated within the year. Geneva College has sixty-three students.

The State is a creditor of the University of the City of New York for materials furnished by the state prison at Mount Pleasant, and used in the construction of the collegiate buildings. The trustees of that institution will apply for a relinquishment of the debt. I have great pleasure in transmitting to you a document containing a view of the rise, progress, and present condition of the University. The liberal principles upon which it was established, the munificent endowments of its founders and patrons, and the perseverance with which it has surmounted many and great embarrassments, as well as the promise of its usefulness, and guaranteed by new and auspicious counsels, commend the appeal of the trustees to the favorable consideration of the legislature.

You will learn with great satisfaction that the law providing for the establishment of libraries in the school districts has been carried into successful operation in most parts of the State, and that measures have been adopted, in pursuance of an act passed at the last session, to secure an efficient visitation of the common schools.

Although our system of public education is well endowed, and has been eminently successful, there is yet occasion for the benevolent and enlightened action of the legislature. The advantages of education ought to be secured to many, especially in our large cities, whom orphanage, the depravity of parents, or some form of accident or misfortune seems to have doomed to hopeless poverty and ignorance. Their intellects are as susceptible of expansion, of improvement, of refinement, of elevation and of direction, as those minds which through the favor of Providence are permitted to develop themselves under the influence of better fortunes; they inherit the common lot to struggle against temptations, necessities and vices; they are to assume the same domestic, social and political relations; and they are born to the same ultimate destiny.

The children of foreigners, found in great numbers in our populous cities and towns and in the vicinity of our public works, are too often deprived of the advantages of our system of public education, in consequence of prejudices arising from differences of language or religion. It ought never to be forgotten that the public welfare is as deeply concerned in their education as that of our own children. I do not hesitate,

therefore, to recommend the establishment of schools in which they may be instructed by teachers speaking the same language with themselves, and professing the same faith. There would be no inequality in such a measure, since it happens from the force of circumstances, if not from choice, that the responsibilities of education are in most instances confided by us to native citizens, and occasions seldom offer for a trial of our magnanimity by committing that trust to persons differing from ourselves in language or religion. Since we have opened our country and all its fullness to the oppressed of every nation, we should evince wisdom equal to such generosity by qualifying their children for the high responsibilities of citizenship.

The time assigned for the completion of the geological survey of the State is about to expire. High expectations of its usefulness have been raised by the partial reports which have from time to time been submitted to the Legislature, and provision should be made for the preservation of the invaluable scientific treasures which have been collected. Extensive as the collection is, it will probably be continually increased by new contributions. The place assigned for its accommodation should therefore be spacious and accessible. The encouragement of agriculture, by the more general dissemination of the sciences which it employs, has been the subject of frequent recommendations from this department, and of much discussion in the Legislature. The geological survey may be regarded as laying the foundation of institutions for popular instruction in these sciences, and I confidently anticipate that it will not only develop the mineral resources of the State, but will secure to agriculture its rightful consideration and influence.

The whole number of the militia of the state is 180,103, of which 7,427 are cavalry and horse-artillery, 9,256 are artillery, 160,420 are infantry, including light infantry and riflemen, and 3000 are cavalry and artillery attached to brigades of infantry. It is manifest that the militia system has lost some of the popular respect with which it was once regarded, and has received little of that legislative care which is necessary to preserve the usefulness and efficiency of all our institutions. This cannot be prudent, unless it is wise to forget in peace the probability of war, and in undisturbed tranquility the danger of civil commotion. I trust, therefore, that you will take measures to bring the subject before Congress, in order to accomplish the necessary reform. It is possible that some of the defects of the system may be reached by our own legislation. At present the rich and fortunate evade, in a great degree, the performance of military duty, while its expenses and sacrifices fall without abatement upon those members of society who are least able to bear them. If it be necessary to preserve the organization of so many of our citizens as are now enrolled, which is at least doubtful, it is, at all events, just and consonant with the spirit of our institutions, that the taxes and burthens of the militia service should be equalized.

The laws by which Judges of the County Courts are authorized to interfere with the Boards of Supervisors in the appointment of Commissioners of Deeds, County Treasurers, and County Superintendents of the Poor, manifest an unjust and unwise distrust of the intelligence and virtue of the people, and a want of due regard to the sacredness of the judicial office. The democratic principles of the Constitution demand the repeal of those laws. I also respectfully recommend that provision be made for the election of Commissioners of Deeds by the people.

The imprisonment of non resident debtors against whom no fraudulent practice or intent is alledged, operates injuriously to the interests of trade, and can be defended on no ground which was not abandoned when the great principle was established in this State that the personal liberty of the honest but unfortunate debtor ought not to be subjected to the caprice or cupidity of an unfeeling creditor.

Foreigners entitled to be naturalized, and desirous of the privileges of citizenship, ought rather to be encouraged than deterred, as they frequently are, by the onerous charges attending the requisite legal proceedings. Disabilities in relation to the acquisition and alienation of real estate by resident foreigners are a remnant of feudal principles, believed to be not only unnecessary for the security of the State, but inconsistent with the spirit of our Constitution, and injurious to the general prosperity. It is worthy of your consideration whether the time has not arrived for the adoption of a more liberal policy, and whether the temporary relief from these disabilities which has heretofore been granted, chiefly in favor of individuals, may not now be made general and permanent.

I beg leave to refer you to the suggestions contained in my last message, concerning the laws regulating elections. It is of vital importance to the security of our institutions, not only that our elections should be conducted with impartiality, and should thus express the will of the majority of the people, but that there should be entire and universal confidence in their purity. The acquiescence required of the minority cannot be expected to be rendered with cheerfulness, if it be at all questionable whether the public will is truly expressed. I cannot doubt that you will feel it to be your duty to establish the necessary safeguards for the full and uninterrupted exercise of the elective franchise by all those, whether rich or poor, native or naturalized, whatever may be their employment or condition in life, to whom that inestimable privilege is guaranteed

The Constitution provides that every male citizen of the age of twenty-one years, who shall have been an inhabitant of this state one year next preceding any election, and for the last six months a resident of the county where he may offer his vote, shall be entitled to vote in the town or ward where he actually resides. High judicial authorities differ as to the meaning of the word resident. It is within the power of the legislature to define this term, and such a measure is highly necessary, as well to relieve doubts as to secure the enjoyment of the elective franchise to those of our fellow citizens whose occasional or temporary employment in the navigation of our canals and rivers, and upon our public works, produces doubts concerning the place where they are entitled to vote.

The reorganization of the court of chancery, with an abridgement of the jurisdiction and patronage of the Chancellor, is alike indispensable to ensure the harmony of our judicial system. The proceedings in that court are attended with vexatious delay and intolerable expense. Questions of equity peculiarly demand the consultations of a bench, and the mass of appeals, interlocutory motions, and original causes, is too great for any one Chancellor to hear and decide, consistently with a proper discharge of the duties required of him as a member of the court for the correction of errors.

The benefits anticipated from the reduction of the number of justices of the Supreme Court, and the distribution of a portion of their powers and duties among eight circuit judges have not been realized.

I therefore respectfully suggest the expediency of dispensing with the office of Vice-Chancellor and Circuit Judge, and of providing for amendments of the Constitution which shall direct the appointment of three Chancellors, with coordinate power, and of additional justices to the Supreme Court.

The collection of debts is unnecessarily delayed by forms, embarrassed by technicalities, and burthened with costs. The evils experienced might, in a great degree, have been prevented, had the necessary rules of practice and pleading been established by the courts themselves. It is worthy, however, of consideration, whether the power now exercised by the Court of Chancery in reaching the equitable property of a debtor may not be entrusted in a great degree to the Common Law Courts, and whether the ruinous expense attending the foreclosure of mortgages in Chancery may not be avoided by the more simple method of sale after advertisement, and after personal notice to parties having encumbrances on the mortgaged premises. The forms of pleadings are unnecessarily prolix and dilatory, and evasive pleadings ought to be more effectually prevented. Parties should be allowed to perfect judgements in vacation as well as during the terms of the courts. The alienation of land should be facilitated by requiring all incumbrances and liens to be recorded or docketed in the county where the land is situated. The jurisdiction of Justices' Courts ought to be extended to litigated cases where the amount involved does not exceed one hundred dollars.

The compensation of public officers is generally derived from the equal contribution of those for whose benefit their services are rendered, but that of attorneys, solicitors, and officers of the courts of justice is unhappily often obtained from those whose condition ought rather to excite sympathy than to expose them to additional burthens. The legislature which should in a season of adversity like the present diminish the expenses of legal proceedings, as far as can be done consistently with the full and perfect administration of justice, would advance the permanent usefulness of the profession of the law, promote the happiness of society, and deservedly obtain the gratitude of the people.

It was represented to me, on the 5th of December last, by the sheriff of the county of Albany, that he had, on many occasions during several months previous, been resisted in the performance of his duty, and prevented from executing process of the Supreme Court, and that he had been unable to overcome the resistance with the unarmed force of his county.

He thereupon applied to me to call out a sufficient military force to enable him to execute the process committed to him. Proofs were submitted to me, which went to show that the resistance was preconcerted and organized, and that it extended over a large portion of his county. The nature and duration of the resistance complained of appeared to me to require the adoption of immediate measures for restoring the supremacy of the laws. Unwilling, however, to resort to the extreme remedy until every other measure had failed, I deemed it proper for the sheriff to sue out process in the name of the people against the resisters, and to make a farther effort to perform his duty with the aid of the armed power of his county. Measures were taken at the same time to have in readiness a sufficient force to sustain the sheriff if the effort thus to be made should prove ineffectual. Information was subsequently communicated to me by him, that he had proceeded with the armed power of his county, and had been met by a large concourse of persons, sufficient in number to overpower him, and assembled with the obvious purpose of obstructing him in the performance of his duty. This information was accompanied by a renewal of his application for a military force. Still desirous, if possible, to prevent a resort to such force, I issued a proclamation, setting before the resisters the nature of their conduct and the painful, but inevitable, consequence of persisting in it, enjoining them to disperse, and appealing to all good citizens to assist in maintaining the supremacy of the laws. In order, however, in any event to secure this result, I directed, as required by law, a military force to proceed to the scene of resistance, and provided for a reinforcement, should it be found necessary. It is creditable to the citizens who had inconsiderately become involved in unlawful proceedings, that they dispersed very soon after these measures had been adopted, and the sheriff proceeded without additional military aid to execute the process of the law. It soon became manifest that no farther organized resistance would be offered, and the militia were thereupon immediately withdrawn. Although the occasion was one to be deeply regretted, yet it is a source of satisfaction that a very large proportion of those engaged in the resistance were immediately convinced of the error of their proceedings, relinquished their designs and manifested a cheerful and patriotic submission to the laws. It is also gratifying that this desirable end was attained with little public inconvenience, and without destruction of property or loss of life. To this result, the militia, by their alacrity, prudence and good conduct, contributed in an eminent degree.

The resistance to the sheriff arose out of a controversy between the tenants of the manor of Rensselaerwick and its proprietor. The lands in that manor are held under ancient leases, by which mines and hydraulic privileges, rents payable in kind, personal services, and quarter sales are reserved. Such tenures, introduced before the revolution, are regarded as inconsistent with existing institutions, and have become odious to those who hold under them. They are unfavorable to agricultural improvement, inconsistent with the prosperity of the districts where they exist, and opposed to sound policy and the genius of our institutions. The extent of territory covered by the tenures involved in the present controversy, and the great numbers of our fellow citizens interested in the questions which have grown out of them, render the subject worthy of the consideration of the Legislature. While full force is allowed to the circumstance that the tenants entered voluntarily into such stipulations, the State has always recognized its obligation to promote the general welfare, and guard individuals against oppression. The Legislature has the same power over the remedies upon contracts between landlord and tenant as over all other forms of legal redress. Nor is the subject altogether new in the legislation of the State. It was brought under consideration in 1812, by a bill reported by three jurists of distinguished eminence and ability. I trust, therefore, that some measure may be adopted, which, without the violation of contracts, or injustice to either party, will assimilate the tenures in question to those which experience has proved to be more accordant with the principles of republican government, and more conducive to the general prosperity, and the peace and harmony of society.

A requisition was made upon me in July last, by the Executive of Virginia, for three persons as fugitives from justice, charged with having feloniously stolen a negro slave in that State. I declined to comply with the requisition, upon the grounds that the right to demand and the reciprocal obligation to surrender fugitives from justice between sovereign and independent nations, as defined by the law of nations, include only those cases in which the acts constituting the offence charged are recognized as crimes by the universal laws of all civilized countries; that the object of the provision contained in the constitution of the United States, authorizing the demand and surrender of fugitives charged with treason, felony, or other crime, was to recognize and establish this principle of the law of nations in the mutual relations of the States as independent, equal, and sovereign communities; that the acts charged upon the persons demanded were not recognized as criminal by the laws of this State, or by the universal law of all civilized countries; and that consequently the case did not fall within the provision of the constitution of the U. State.

The Governor of Virginia, in his last annual message referred the subject to the consideration of the legislature of that State, and declared that my construction of the constitution of the United States could not be acquiesced in or submitted to. He added, that if it were allowed to prevail, and no relief could be obtained against what he designated as a flagrant invasion of the rights of Virginia, either by an amendment of the constitution of the United States, or by the action of the legislature of Virginia, it might ultimately become the important and solemn duty of Virginia to appeal from the cancelled obligations of the national compact to original rights and the laws of self-preservation.

I confess my surprise that it should in any part of the Union be regarded as a new and startling doctrine that the constitutional power of the Executive of any other State to demand the surrender of a citizen of this State to be carried to the former and tried for an offence committed there, is limited to cases in which the offence charged is recognized as criminal by the statue laws of this State, by the common law, or by the universal laws of mankind. Nor can I withhold the expression of my sincere regret that a construction of the constitution, manifestly necessary to maintain the sovereignty of this State, and the personal rights of her citizens, should be regarded by the Executive of Virginia as justifying in any contingency a menace of secession from the Union.

The subject is one which appertains to the Executive department. The duties of that department in such cases are prescribed by the Constitution of the United States, and not by the Constitution or laws of this State. Nevertheless, the

respect I entertain for the Executive of Virginia, as well as the deference I owe to the Legislature of this State, induce me to transmit herewith the correspondence which has taken place.

Our fellow-citizens in various parts of the State will very justly call your attention to the condition of the currency. We are a commmercial people; we are rendered so by the location of our country, its physical formation, its variety of climate and productions, and its internal communications by land and water: by the operation of republican institutions and equal laws; by our wants; by our resources; by our enterprise; by the mutual confidence arising from moral and intellectual cultivation; by the intercourse existing among the citizens of the several States, and by our relations with foreign nations. The Federal Government has heretofore encouraged commerce by entering into commercial treaties, by the establishment of a navy, by the reduction of imposts, and by the improvement of rivers and harbors on our lakes, as well as on the seaboard. The legislatures of the several States have seconded this policy by increasing the facilities for trade The promotion of commerce in all its branches affords the most effectual encouragement to agriculture and manufactures, because commerce is only an exchange of productions.

The wants of one region are supplied by the labor of another, and thus the industry of all is rewarded. Our internal commerce knows no political or geographical lines. It pervades every region, seeking and exchanging the surplus productions of every department of industry.

To effect this exchange a currency or medium is indispensable, and it should every where have the highest attainable uniformity of value. A mixed currency, composed of coin and paper redeemable in coin, has unavoidably resulted from the condition of our country and our intercourse with foreign nations. That such a currency is far better than one exclusively metallic, is proved by contrasting the general prosperity of the countries in which it is employed with the condition of those which use only the precious metals. But it is attended by the disadvantage of a liability to expansion beyond the legitimate wants of trade, and in order to prevent such expansion as far as possible, and mitigate their evils, it must be subjected to regulation. It is a consequence of the independent action of the legislatures of the several States, that the paper money issued under their authority must, in the absence of adequate regulation, be unequal in security and in convertibility, and the amount issued must often be disproportioned to the exigencies of trade. Heretofore the Federal Government has discharged the responsibility of such regulation, but for some time past Congress has made no provision for that important purpose, and the currency of the country has been supplied by paper money issued under the authority of twenty-six different States, in amounts limited by other wants than those of trade, and regulated upon other considerations than those which regard the general interests of the whole country.

The exchange of productions between distant parts of the country is burthened with ruinous expenses, and the prompt collection of debts is rendered impossible. Internal commerce has suffered a check, and derangement is felt in every department of business. The expenses, losses, and sacrifices resulting from the embarrassments of trade fall ultimately upon those engaged in productive industry, and cause a depreciation in the value of labor, of the fruits of the earth, and of the soil itself. In the present instance, the evils have been aggravated by a long and severe derangement in our foreign commerce. As if the neglect of its appropriate and important functions were not enough, the Federal Government has contributed to increase the general embarrassment, by manifesting a persevering hostility to the institutions of the States, and has disturbed the general confidence by efforts to introduce a metallic currency. The introduction of such a currency is impracticable, and would be unjust if it were practicable, because it would require our citizens, in the absence of necessity or adequate motive, to reduce the value of labor and property to the depreciated standard of a specie circulation. To the people of this State, and all who resort to her great commercial market, the measures adopted by the Federal Government to carry this project into effect have been productive of unmitigated evil, while the earnestness with which our fellow citizens in some portions of the Union sustain those measures, proves that they endure the same evils with a fallacious hope of being able to transfer to themselves a considerable portion of the commerce which is now enjoyed by New York. I trust, therefore, that these measures will receive no support from us, but that whatever influence the sanction of the Legislature may have, will be exerted in favor of a policy that shall immediately restore the prosperity of the Union and preserve the commercial advantages of our State.

The currency heretofore established in this State through the agency of safety fund banks had a safe and wholesome action while the currency of the nation was regulated by the Federal Government. But that system became odious as a monopoly, and the unequal distribution of its privileges and the corrupting tendency of applications for legislative charters spread discontent and alarm throughout the State. From these circumstances resulted the law which authorizes the business to be carried on by associations without charters.—Either of these systems would, under ordinary circumstances, have furnished a currency for this State, which within our own boundaries would have been uniform and readily convertible into specie, and as exchanges are generally in favor of this State, would have been equally useful in other States. Although our banking institutions have not, as on a former occasion, suspended the payment of specie, the farmer, the mechanic, and the merchant are obliged to receive bank notes whose full value cannot be realised without presenting them for redemption at a distant place. The commerce of the State is embarrassed, and agricultural and manufacturing industry are oppressed with the extortion of brokers and usurers. However the Federal Government may choose to neglect its proper functions, the evils of our domestic currency are within your reach, and I trust they will be the subject of speedy and effectual reform.

It is a high privilege to furnish a circulating medium, whether that privilege be conferred by charter, or enjoyed under the more equal operation of a general law. It partakes of the responsibilities and dignity which belong to the sovereignty of a State, and its profitableness has been evinced by extraordinary dividends and accumulations. It is therefore not demanding an unjust or unreasonable equivalent to require those who enjoy this privilege to maintain a sound and uniform currency. Various plans have been suggested to accomplish this important object. One of these contemplates the employment of the Bank Fund, with equivalent contributions from associations formed under the general law, to redeem in the city of Albany the bills of the several banks. It is probably a sufficient objection to this plan, that it would pervert the bank fund from its legitimate object, and jeopard its security. A second system is to require the country banks to redeem their notes either in the city of New-York or in the city of Albany. The objection to this plan is, that it would be unjust to require a banking institution to provide funds for paying its liabilities at two places, at its own counter and elsewhere. The force of this objection is weakened by the fact that the operations of trade carry the currency of the country to the principal mart. If the amount of its issues collected at the place assigned for redemption were to be made known to any bank, it could be required to transmit its funds to that place after a reasonable interval of time, and thus be relieved from the necessity of providing an equal amount to meet demands at home. If this system should receive legislative sanction, the Comptroller might be required to apply the safety fund without delay to the redemption of the balance which a bank had neglected or refused to pay after receiving the requisite notice, if such balance did not exceed a requisite proportion of the whole fund. This system has been partially in operation, and is understood to have been very successful. These suggestions are submitted in the hope that they may be useful in your discussions of this important subject.

The necessity of a revision of the General Banking Law, as recommended in my annual message at the last session, has greatly increased during the past year. It is alleged, and with too many evidences of truth, that the stock deposited with the Comptroller as a basis for circulating notes, has been in some instances purchased or paid for with the notes issued upon the same stock. Such a proceeding is manifestly an evasion o the statute, and care should be taken to guard against it for the future. Some of the associations have issued post notes as currency, This practice is unquestionably a violation of the spirit of the law, reprehensible in itself and fraudulent to the community.

It ought not to excite surprise that the system of free banking should in its commencement have been embarrassed by difficulties, or that institutions should occasionally have been established where they were not needed. When we reflect that we have been for thirty years improving the system of banking by incorporations, we ought to exercise forbearance toward one which has just come into existence. In the midst of a pecuniary revulsion only two of the associations have been closed, and they have occasioned no loss to the community.—There is, therefore, no sufficient ground for doubting the final success of the system, with those modifications which experience may from time to time suggest. Among these there should obviously be a plan for the redemption of the notes of the associated banks similar to that suggested in reference to the Safety Fund banks. While the system affords all the requisite facilities and security for sound and safe banking, it is obviously so much more equal in its operation, and so much less liable to be perverted to political designs, that I trust you will omit no effort to correct its defects and ensure its successful operation.

Permit me to express a confident hope that you will not add longer delay to that which has already unfortunately occurred in filling the vacancy in the representation of this State in the Senate of the United States.

The action of the Federal Government, always important, has within a few years past excited unusual interest. Under the uniform system of policy maintained from the foundation of the Government, our country enjoyed a career of prosperity interrupted only by the brief intervals in which that policy was counteracted by circumstances arising out of the violation of our rights by belligerent European nations. The country has experienced a great change within the last three years. A pressure is felt in all its interests and throughout its whole extent, and every effort to rise has been followed by great depression. The Federal Executive, in his recent communication to Congress, extends no hope of relief from these evils, but urges the adoption of measures, the very discussion of which has produced only the most disastrous consequences. We are an industrious, economical, enlightened, and virtuous people. Our prosperity is hindered by no hereditary inequalities of political rights or social condition. We have enjoyed peace and tranquility for twenty-five years. If then, there be any virtue in forms of government, ours ought, if well administered, to secure national prosperity and general contentment and happiness. The power and influence of the Executive Department of the Federal Government, are greatly increased, and the history of that Government, for the last few years exhibits a constant struggle on the part of the Executive to control the opinions of the representatives of the people. His appeals from their decisions have been tried by popular elections for the first, second, and third time. In such trials the representative has to contend singly and unaided against the combined influence and patronage of the Government. Not content with the already overshadowing powers of the National Government, the President has arraigned before Congress the institutions of the States, and the States themselves, and has discussed their domestic concerns with as great freedom as if they were responsible to the Federal Government, and were not sovereign in the conduct of their municipal affairs. These innovations furnish a new demonstration of the error of those who, at the adoption of the Constitution, supposed the Federal Government too unstable, and the power and influence of the Executive Department too limited. The time seems to have arrived, when the adoption of measures to restrain the increasing power of the Executive, and maintain the necessary independence of the States, should no longer be delayed. Among such measures none would be more safe, more effectual, or more in harmony with democratic principles, than amendments of the Constitution of the U. States, which should vest in Congress the appointment of the chief financial officers of Government, and limit the tenure of the Presidential office to one term.

It is a source of the highest satisfaction, that notwithstanding all adverse circumstances, the prosecution of works of Internal Improvement with private capital has not been arrested during the past year, but has been carried on with patriotic and praiseworthy assiduity and with great success. That section of the New-York and Erie Railroad, about fifty-five miles in length, which extends from Tappan, on the Hudson river, to Middletown, in Orange county, will soon be completed. The result will, it is hoped, vindicate the whole enterprise from unjust prejudices, and contribute to hasten its consummation The Long Island Railroad has been extended farther into the interior of the Island. By the completion of the Utica and Syracuse and the Syracuse and Auburn Railroads within the past year, only one hundred miles of railroad remain to be finished before our citizens will enjoy the facilities of a passage by steam power from one extremity of the state to the other, and the steam navigation of the remotest western lakes will be connected with the steam navigation of the Atlantic. The completion of the railroad from the coal mines at Blossburg, in Pennsylvania, to the termination of the western branch of the Chemung canal, is an event of great importance to the central part of the State, and among its beneficial results we may anticipate an increase in the revenues of that canal.

The various surveys directed by the Legislature at its last session, with a view to the improvement of the Northern tributaries of the Hudson, to the extension of the Chemung canal to the line of the State of Pennsylvania, to the extension of the Black River canal to the St. Lawrence, and to the construction of a canal in the valley of the Connewango, have been successfully prosecuted. I transmit brief statements which have been submitted to me by the engineers engaged in the two first named surveys. I am certain you will not withhold whatever of encouragement and support can be extended consistently with the financial condition of the State, to our fellow citizens who feel an interest in these several improvements. I recommend a continuation of the survey of the northern branches of the Hudson as necessary to a more perfect acquaintance with the extensive region of country which will be opened to commercial intercourse by the improvements contemplated in that section of the State.

The general policy of prohibiting the transportation of freight on railroads which run parallel to the canals, is not altogether without question. There can, however, be but one sentiment as to the expediency of suspending the prohibition during the season in which the navigation of the canals is arrested by ice. A prohibition at that time operates injuriously to the agricultural interest, and tends to produce a monopoly of the necessaries of life at a time when want and misfortune are felt most severely by the inhabitants of our populous cities.

Apprehensions prevail that the public credit may become too deeply involved in the prosecution of works of internal improvement. The project of enlarging the Erie Canal was adopted by the Legislature of 1835. It arose from the necessity of repairing such parts of the canal, especially the locks and aqueducts, as were worn by time and use. With the great increase of trade, delays and inconveniences were experienced in consequence of the limited dimensions of the canal and the want of double locks. It was manifest, too, that the canal had not completely accomplished the objects of its construction, inasmuch as a considerable portion of the western trade

continued to seek a market by other routes. It seemed important, therefore, to increase its capacity, and thereby reduce the expenses of transportation. It was maintained that by the use of boats of one hundred tons burthen, instead of thirty tons, the expense of transportation would be reduced fifty per cent. In this view the expediency of the enlargement was incontrovertible, if the expense should not be disproportionate, and the requisite funds could be provided without injustice to other claims upon the public munificence.

The act of 1835 directed the enlargement to be undertaken when the Canal Board should be of opinion that the public interest required the improvement, and its extent was submitted to their discretion. It will not, I hope, be deemed disrespectful to remark, that the first step in the great undertaking, the delegation of the legislative power to a Board not directly responsible to the people, was a departure from the spirit of the Constitution, so unfortunate in its consequences that it should remain a warning to all future Legislatures. The expense of the enlargement is now estimated at $23,402,863; yet, the law by which it was authorized passed without any estimate having been submitted to the Legislature, and with scarcely any discussion. If completed on the present scale, the canal will surpass in magnitude every other national work of internal improvement; yet all the responsibilities in reference to the dimensions and cost of the enlargement seem to have been cast off as unworthy the consideration of the Legislature. The same act provided that after the year 1837 the expenditures upon that work should be so limited as to leave from the canal revenues, without reference to auction and salt duties, an annual income to the State of at least $300,000, over and above all ordinary repairs and expenditures on the Erie and Champlain Canals.

In 1836, for the first time, an estimate of the expense of the enlargement was submitted to the Legislature by the Canal Board, by which it was calculated at $12,416,150 17. The Canal Commissioners had previously estimated the expense of the Genessee Valley Canal at $1,890,614 12, and that of the Black River Canal at $1,068,437 20. With this information before them the Legislature of 1836 increased the annual income to be applied to the uses of government to four hundred thousand dollars. They also directed the construction of the Genessee Valley and Black River Canals, and provided that their deficiencies of revenue should be paid out of the Treasury, and authorized a loan of the credit of the State to the New-York and Erie Railroad Company to the amount of three million of dollars.

The subject was again agitated in 1837. The Canal Board reported that they did not believe the enlargement could be completed at the cost before estimated, for the reason that the plans of some of the mechanical work had been changed, and that parts of the line had been, and others probably would be, varied. They stated that the cost of construction was greater than when the estimates were made; that they did not believe, if prices were the same as at the time the estimates were made, that the cost of the works would exceed the estimates, except the increase occasioned by changes of the plans, or of the line. They added that they could not form an opinion of the additional cost of the work beyond the estimates, but they did not believe it would amount to a large sum, exclusive of damages, that the amount would greatly depend upon the prices of labor and provisions, and that there had been no estimate of damages to individuals. They also gave it as their opinion that it was for the interest of the State to proceed with the enlargement, so tht it might be completed sooner than was contemplated by the act of 1835. It is evident that this report did not tend to shake the confidence of the Legislature in the ability of the State to complete the public works, since the House of Assembly rejected, by an almost unanimous vote, a resolution contemplating the repeal of the laws directing the construction of the Genesee Valley and Black River Canals.

In 1833, the late Executive recommended a more speedy enlargement of the Erie canal. It was obvious from the condition of the finances of the State at that time, that this could not be effected without contracting a debt. The Assembly responded to this recommendation by passing a bill directing the Commissioners of the Canal Fund to borrow, on the credit of the State, one million of dollars for that object. The Senate amended the bill so as to authorize the borrowing of four millions of dollars instead of one million. In this shape the bill became a law. This law required the Canal Commissioners to put under contract, with as little delay as possible, such portions of the work as were mentioned in their report of that year, and such other portions as, in the opinion of the Canal Board, would best secure the completion of the entire enlargement with double locks on the whole line.

It was reserved for the Assembly of 1839 to discover that the estimates which had been the basis of such important legislative action during the preceding three years, had been widely erroneous. The Canal Commissioners were required to review their estimates of the unfinished works. They reported that the expenses would be as follows;

Of the Erie canal enlargement, $23,402,863 02; of the Black River canal, $2,141,601 63; of the Genesee Valley canal, $1,900,122 79, making an aggregate of $30,444,587 44. instead of $15,375,201 49, the original estimated costs of those works.

The practice has recently obtained to some extent of testing the expediency of any proposed improvement by adding to its estimated cost the real and nominal indebtedness of the state, together with the sums for which the credit of the state is pledged or in any event authorized to be pledged, and of assuming that the aggregate will be the debt of the State if the proposed improvement should be adopted. The test has also been applied to the undertakings in which the State has already engaged, with the following results: The existing canal debt for works completed, (exclusive of the Erie and Champlain canal debt, for the payment of which a fund has accumulated.) $3,476,839 66; the debt of the General Fund, $2,472,217 92; the aggregate sum for which the credit of the State has been heretofore pledged and directed to be pledged in aid of canals and railroads, $4,610,000 00; estimated cost of the enlargement of the Erie canal, and the construction of the Genesee Valley and Black River canals, $30,444,587 44; making an aggregate of $41,003,645 02.

The confidence of the people in the policy of internal improvement has sustained a severe shock from the discovery that the State was committed by the Legislature to an expenditure of thirty millions of dollars, for the completion of three works alone, upon estimates of the same works rising only to about fifteen millions; and calculations exaggerating the liabilities of the State to forty million dollars have not been unsuccessful in adding imaginary alarm to the consequences of past errors, in themselves sufficiently embarrassing.

The only act which was passed at the session of 1839, appropriating money for purposes of internal improvement, was one directing the sum of seventy-five thousand dollars to be expended in the navigation of the Oneida river. With the exception of an act authorizing a variation in the plan of constructing the locks on the Genesee Valley Canal, by which a saving of about five hundred thousand dollars will be made in the construction of that work, and several acts directing surveys in various parts of the State, there was no other legislation during that session upon the subject of internal improvement. Aside from the duties prescribed by these acts, all that the agents of the State have been called upon to do in relation to internal improvements has been to comply with legislative directions, given previously to the session of 1839, and to provide, in pursuance of preëxisting contracts, for the expenses incurred in the prosecution of the public works by the Canal Commissioners.

Such are the circumstances under which the public interests have been confided to our care. The discovery of the errors of our predecessors has happened at a time when confidence is impaired, property depreciated, the sale of real estate arrested, and the currency disordered. At such a period the financial difficulties of the State are liable to be exaggerated, its resources undervalued, and its liabilities magnified.

In ascertaining the true financial condition of the State, there may be deducted from the debt of the General Fund the sum of $1,030,000 borrowed from the Canal Fund. Both of these funds being the property of the State, this is a loan made by the State to itself. We may also deduct the liabilities of the State, the pledges of its credit to rail-road and canal companies, these pledges having been made upon conditions, as is understood, which afford an ultimate indemnity to the State. Regarding the Erie and Champlain canal debt, as extinguished by means provided for its redemption, the actual debt of the State, as it stood at the close of the last fiscal year, would they be as follows: Debt of the General Fund, $1,392,217 92; debt of the lateral canals completed, $3,476,839 66; debt contracted for unfinished works, viz: enlargement of Erie Canal, $2,500,000; Black River Canal, $591,446 10; Genesee Valley Canal, $2,000,000; Oneida River improvement, $25,000 —$5,116,446 10. Aggregate State debt, $9,985,503 68, but there remains on hand a balance of funds borrowed for the construction of the Genesee Valley canal, $939,604 48; for Oneida river improvement, $25,000—$964,604 48. State debt over funds in hand, $9,020,399 20. The amount required to complete the enlargement, as ascertained by deducting the sum already expended and the sum borrowed and remaining in hand at the close of the last fiscal year from the last estimate made by the Canal Commissioners, would be $19,292,886 93; to complete the Genesee Valley canal, $2,900,122 79; to complete the Black river canal, $1,550,155 53. Aggregate required to complete the canals, according to the last estimates, $23,743,165 25. The interest on this sum at 5 per cent. would be $1,187,158 26.

The surplus revenue from the canals during the past year was $1,057,802 74. The interest at five per cent on the sum estimated as necessary to complete the canals to wit, on $23,743,165 25. would be $1,187,158 26, exceeding such surplus revenue by the sum of $129,355 52. The surplus revenue would, with the ordinary increase, furnish sufficient funds for completing the unfinished works, if applied exclusively to that purpose. But by the laws of 1835 and 1836 an income of 400,000 dollars was directed to be retained annually from this surplus revenue, and the sum of $126 250, which is required to pay the interest on loans which had been contracted for the enlargement of the Erie canal and the improvement of the Oneida river at the close of the last fiscal year, is chargeable upon the canal tolls. Deducting these items, there is left a surplus of $531,552 74 applicable to purposes of internal improvement, which leaves a deficiency of $655,605 52 in the amount necessary to meet the interest on the sum required to complete the works now in progress according to the corrected estimates. Stating the result in another form, the net annual revenue of the State, applicable to purposes of internal improvement, without taking into consideration the anticipated increase of canal tolls, would sustain a debt of only $10,631,054 80, while the sum of $23,743,165 25 would be required to complete the public works.

The State, however, may confidently anticipate an increase of canal tolls, and consequent increase in the revenue of the Erie and Champlain Canal Fund. This increase, although not contingent, is of uncertain amount. Since the year 1826 it has averaged about eighty thousand dollars annually. This augmentation of tolls must progress with the increase of commerce upon the western waters, which would be greatly accelerated by the enlargement of the Erie Canal.

Various opinions are entertained as to the future net annual increase of the canal tolls. In 1838 the Canal Commissioners reported to the Legislature that, in their opinion, the aggregate tolls would reach the sum of three millions of dollars within a few years after the completion of the enlargement. Without attempting to speculate upon a point so incapable of demonstration, it is sufficient to remark, that every opinion admits the certainty of an increase to an amount that will be adequate, at some future period, to pay the interest upon the largest sum which the exigencies of the state require, while no calculation that is based upon the actual increase of canal tolls during the last three years alone will justify the prosecution of the works now in progress with the rapidity which, in the opinion of the Legislature of 1838, was warranted by the fallacious estimates of the Canal Commissioners. The question then arises, what, under these circumstances, shall be the policy of the Legislature.

Waiving in this place the consideration of remote consequences, it may be asserted that the public interest does not demand, nor would the immediate welfare of the people admit the abandonment of the system of internal improvement. During the severe pressure we have experienced, the industry of the citizen has been stimulated and the wages of labor, the prices of the products of the earth and the value of property have been sustained by expenditures in the prosecution of this system. The sudden arrest of such expenditures, and the discharge of probably ten thousand laborers, now employed upon the public works, at a time when the circulation of money in other departments of business is so embarrassed as almost to have ceased, would extend throughout the whole community, and with fearful aggravation, the losses and sufferings that as yet have been in a great measure confined to the mercantile class. These losses and sufferings would fall with peculiar severity upon the agricultural portion of the community, because the laborers, if discharged, would generally seek subsistence in agricultural pursuits, instead of being, as they now are, consumers of the abundance which contributes to produce a depreciation of the value of our staple productions. Nor does it appear that our fellow-citizens in various parts of the State whose desires for the advantages of internal improvements have been so intensely excited and so earnestly expressed, have determined to forego those advantages, because precipitancy has characterized the past management of public affairs and because their hopes, on the eve, as they supposed, of being realized, have encountered new and more embarrassing discouragements.

The policy indicated by public sentiment, and demanded by the circumstances of the times and the condition of the State, is to retrench the expenditures upon our works of internal improvement and prosecute the system with moderation and economy. It is essential not only to the rightful action, but to the stability of the Government, that the will of the people, when clearly expressed, should be obeyed by their representatives. This principle is peculiarly important in relation to questions of revenue and expenditure. Public opinion is, moreover, manifestly right. The existing and anticipated revenue of the canals must be, as heretofore, the basis of any new loans which the Legislature shall see fit to authorize, since taxation for purposes of internal improvement deservedly finds no advocate among the people. These revenues have been disturbed in the general derangement of pecuniary affairs, and cannot now be the basis of that safe calculation, without which it is hazardous to pledge, to a great extent, the credit of the State. Nor can we resist the evidence that the credit of some of the States is less firm than heretofore. It is worthy, therefore, of serious consideration, whether our own might not be impaired by offering large amounts of stock in a market already filled with American securities. It is doubted whether the Erie Canal would not have been adequate for all useful purposes if the scale of enlargement had been much less extensive than that fixed by the Canal Board, and it is certain that smaller dimensions, or a more tardy enlargement, would have been adopted, had the estimates of the Canal Commissioners presented truly the cost of the work. You will, however, find the question of reducing its dimensions embarrassed by the fact that about one-half of the work has been accomplished, or put under contract.

The parts of the work which are peculiarly expensive are the aqueducts and locks, and these have engaged the earlier attention of the Commissioners in consequence of the decay of the old structures, which threatened a suspension of navigation. It is evidently impossible now to secure, with equal expense, the same advantages that might have been obtained

by adopting a more limited scale of enlargement in the first instance. It is, however, respectfully submitted whether it would not be expedient to refer the plans of all the works in progress, including the enlargement of the Erie Canal, to competent engineers, to ascertain what portions of the same may be delayed without detriment to the public interest, and what expense may be saved by executing other portions in a manner equally effective and durable but more plain and economical than that hitherto pursued. It seems quite certain that if the Legislature had enjoyed the services of a Board of Internal Improvement, including competent engineers, no such delusive estimates would have become the basis of legislative action. I would recommend the establishment of such a board as one of the first measures for retrieving our former position. For the purpose of guarding against a dangerous increase of debt and the possibility of taxation, I respectfully recommend that all issues of stock shall be so limited that the interest on the whole debt of the State shall at no time exceed its surplus revenues, and that the increase of those revenues be relied upon for the ultimate extinguishment of the debt. The adoption of this principle, there is reason to believe, would be sustained by the people, and it would place our credit upon the most impregnable ground. Although its effect might be to delay for a season the progress, it would insure the completion of those great works in contemplation in different parts of the State, and which a very large portion of our fellow citizens continue justly to regard with unabated interest.

It is proposed in some quarters to effect the necessary retrenchment by discontinuing the Genesee Valley and Black River canals, and by abandoning such of the auxiliary canals already completed as cannot, by increasing the rates of toll, be made to yield a revenue equal to the interest on the cost of their construction. It might well be doubted whether the Genesee Valley and Black River canals would have been undertaken thus early, had true estimates of their cost been submitted to the Legislature, and had the prospective engagements of the State been truly understood. If we consider the sacrifice that would be made of the sums already expended, and the claims for damages which may reasonably be apprehended if these works should be discontinued, such a measure would be as questionable on the ground of economy, as it is objectionable on principles of justice to the large portions of the State interested in their completion. The value of property in their vicinity has undoubtedly greatly increased, business has adapted itself to the facilities they have created, and none but the most disastrous consequences could follow their abandonment.

The construction of the several auxiliary canals was authorized without a confident expectation of immediate revenue. The Legislature deemed it just to equalize the advantages of internal improvement by means of important lateral works, where the revenues to be derived from them directly, and their contributions to the Erie canal, might be expected to be equivalent, after a reasonable lapse of time, to the interest upon the cost of their construction. It was assumed, also, that the system might be extended, so long as the revenues of all the public works should be found sufficient to defray the expenses of their maintenance, yield a surplus adequate to pay the interest upon the whole debt contracted for their construction, and eventually discharge the principal.—These limits have been observed in the construction of all the public works which have been completed, although fears are expressed lest they may be passed in the undertakings now in progress. There would, therefore, be gross injustice in abandoning the Oswego, the Cayuga and Seneca, the Chemung, the Crooked Lake, and the Chenango canals, and thus visiting upon the regions enriched by them the consequences of errors of calculation in regard to works undertaken subsequently to their completion. It is true that each of these canals, considered separately from the Erie canal, yields a revenue insufficient to defray the interest on its cost.

But their revenues are increasing, and their deficiencies are diminishing. The rates of toll upon them are the same which are established upon the Erie and Champlain canals. Unless an universal law of trade should be reversed, their business, now insufficient, and consequently their revenue, would be diminished by raising the rates of toll. A ruinous depreciation of property in the regions which they traverse would inevitably follow, and the Legislature would soon be obliged to reconsider a measure of such questionable policy and absolute injustice. Nor is it to be forgotten that these works have scarcely as yet had a fair experiment. The increase, however, in the revenue of the Oswego canal during the past year, justifies the belief that it will soon defray the interest upon its cost. The laws authorizing the construction of the lateral canals looked forward to an extension of their trade by connecting them with similar improvements beyond the State. However distant it may be, that connection must eventually take place. These canals will then no longer be regarded as exhausting the wealth of the State. Their construction will be vindicated, not only by their promotion of the public prosperity, but also by their liberal contributions to the public treasury.

In my annual message at the last session of the Legislature, I recommended the rapid prosecution of the enlargement of the Erie canal. I commended also to favourable consideration the New-York and Erie Railroad, and a railroad from Lake Champlain to the St. Lawrence, as works of great public importance, and worthy, if they could not be otherwise speedily accomplished, of being constructed at the expense of the State. My opinions in relation to the public importance of these and all other improvements commended on that occasion are unchanged. I am moreover convinced that the difficulties, as well as the cost of these improvements, have been as greatly exaggerated as their probable revenues have been undervalued, and the just claims of the portions of the State interested in their construction have been overlooked. It is no longer doubtful that railroads may be constructed by the State as suitably as canals, and that the public convenience requires that the former as well as the latter should as far as practicable be controlled by the State. It is probably unnecessary to remark that the recommendations then submitted to the legislature to expedite the enlargement of the Erie Canal, and to provide for the immediate completion of the works before mentioned, proceeded on the assumption of the substantial correctness of the various estimates of the Canal Commissioners, which are discovered to have been very erroneous.

Our fellow-citizens residing in the portions of the State which will be traversed by the railroads before mentioned are alarmed by the great expense of the enlargement of the Erie Canal, while those interested in the accomplishment of the latter undertaking regard with disfavor other applications for legislative aid. These jealousies, the obvious tendency of which is the disappointment of every claim upon the public munificence, have given new confidence to the opponents of all improvements. I cannot doubt that your views and policy will be comprehensive and magnanimous, and have reference not to local or temporary interests, but to the general and lasting prosperity of the State. I confidently hope that the unexpected discovery of the extent to which the engagements of the State have been carried by former legislatures, may produce such moderation on the part of those who claim to share in the public munificence, such concessions of local interests, and such convictions of the importance to the whole State to the improvement of each section, as to enable you to adopt a plan of fiscal operations which will reinvigorate the public credit, and effectually secure the completion, without unnecessary delay, of each of the important works before mentioned. The retardation which has become necessary ought by no means to be considered as an abandonment of the policy of Internal Improvement. It is the fortune of enterprise to encounter obstacles and delays in the attainment of even demonstrable results, and certainly no undertaking so vast as our system of Internal Improvements was ever more eminently successful, or encountered obstacles less serious than those which now check its prosecution.

The present crisis has produced renewed opposition to the entire system. It is boldly denounced as unconstitutional, foreign to the legitimate sphere of legislative action, destructive to the liberties of the people, and ruinous to their welfare. The specious theory is promulgated, that the duration of national existence is divisible into periods corresponding with generations of men, and that the State has at no time a right to undertake the construction of works which will leave a charge upon a subsequent generation. It is a necessary consequence of these principles, that the entire system must be abandoned, and that the obligations assumed in its prosecution may be cast off by subsequent generations. These principles have been boldly avowed, and have tended to impair the confidence of mankind in the integrity and good faith of the people of this State, but they derive no support from our history. Reason and experience teach that every human society has a continuous identity susceptible of indefinite prolongation and incapable of division.

The citizen of every State feels, as it has been well said, that, although mortal himself, he is part of a community that may, and he hopes will, be perpetual. He is conscious that every important measure of government in which he may be engaged is in some degree the result of causes anterior to his own existence, and may be productive not only of consequences immediately affecting himself and his cotemporaries, but of others pervading the whole State, and distant as its dissolution. The daily labors of life, although stimulated by immediate necessity, are cheered by the expectation of distant good. The generous efforts of public benefactors, by whose inventions, instructions, and achievements, our race has been raised from the savage condition through every imperfect social state to the freedom and dignity of self-government, have always been directed to objects more remote than those of immediate or personal advantage. Benevolent desires for the welfare of those who shall succeed us, produce not only individual and domestic exertion, but social action in every form adapted to relieve the necessities or promote the welfare of mankind.

Animated by such impulses, and aroused to such efforts with reference to distant periods, men seem to approximate here towards the dignity of character to which our race is destined in a future state. The susceptibility to such impulses, and the power of making such efforts are among the strongest proofs that such a state awaits us. The human heart knows few passions stronger or more universal than the desire to be remembered when we shall have ceased to exist, and it estimates the value of fame by the lapse of time through which that fame may endure, and the portion of the earth it may pervade. The motives and achievements of the revolutionary age knew no such miserable bounds as those now prescribed. Our National Independence was sought and obtained not alone for those who achieved it, nor for one generation only, nor for a narrow cycle of years, nor for any period, but for all generations and for all time. Our republican institutions were designed, at their foundation, not alone for three millions of American people, but for us and as many millions as shall, in all time, rise up and demand their protection. No citizen can be deprived of that protection, because he was not of the generation by which it was guaranteed, and no disloyal citizen can excuse his delinquency by pleading a limitation of allegiance.

In the great struggle for independence, the inquiry was not raised, What generation shall sustain the expense of the conflict? During the period of almost sixty years occupied in paying the debt which was incurred, no citizen questioned its justice. The principle of internal improvement derives its existence from the generous impulses of the Revolutionary age. It regards the future welfare, prosperity and happiness of the people. Its agency is every where felt to be salutary in encouraging emigration, and the settlement and improvement of new lands, in augmenting national wealth, in promoting agriculture, commerce, manufactures, and the diffusion of knowledge, and in strengthening the bonds of our national union. It is recited in the Declaration of Independence as one of the wrongs committed by the King of England, that he had endeavored to prevent the population of these States, and for that purpose had obstructed the laws for the naturalization of foreigners, had refused to pass others to encourage their migration hither, and had raised the conditions of new appropriations of lands. The Father of his country had none of the modern scepticism when in his first Message to Congress he recommended a facilitation of the intercourse between distant parts of the country by a due attention to the post-office and post-roads.

The population of the United States was confined for almost two centuries to the Atlantic coast, but the mighty mind of Washington perceived that a region far more extended, fertile, and salubrious, lay beyond the borders of the thirteen states; that inasmuch as the sovereignty of the Union was distributed among the cultivators of the earth, the political power of the Government would find a center in that region; that if the natural barriers between that region and the East should remain unchanged, the West would at no distant period cast off its union with the maritime States; but that if those barriers could be surmounted by roads and pierced by canals, connecting inland navigation of lakes and rivers with tide water, the wealth and population of the whole country would be vastly increased, and the States be bound in an indissoluble union of interests and affection. Imbued with these sentiments, he stopped not in his farewell address to discuss or to recommend his favorite policy, but boldly predicted, as a certain event, that progressive improvement of interior communication by land and water, the auspicious results of which are only just beginning to be realized.

It is a fact as interesting as it is instructive, that the solicitude of the Father of his Country knew no rest after the achievement of her Independence, but passed directly from the cares of that great struggle to the greater and even more glorious work of strengthening the union of the States, and perpetuating their liberties. In 1783, immediately after the close of the war, he proceeded up the difficult navigation of the Mohawk to Fort Stanwix, now the site of the town of Rome, and crossed to Wood creek, which empties into Oneida Lake, and affords an imperfect communication with Lake Ontario. The noble and patriotic sentiments inspired by his observations were thus expressed: "Taking a contemplative and extensive view of the vast inland navigation of the United States, I could not but be struck with the immense diffusion and importance of it, and with the goodness of that Providence who had dealt his favors to us with so profuse a hand. Would to God we may have wisdom to improve them!" The connection of Lake Ontario with the Hudson by perfect canals, instead of the difficult navigation of the Mohawk and Wood Creek, the mingling of the waters of Lake Erie with those of the same noble river by means of a canal, the conversion of Fort Stanwix into the centre of a constellation of cities and villages, with all the consequent benefits of these improvements, reflect additional glory upon the fame of Washington, and prove that the efforts of this State in fulfilment of his noble aspiration have been crowned with the blessing of that Great Being to whom it was addressed.

His contemporary, Jefferson, one of the most sagacious of American statesmen, as well as one of the most ardent votaries of liberty, pronounced roads, canals, and rivers to be great foundations of national prosperity and union, and recommended to Congress the policy of applying the surplus revenues arising from imposts upon luxuries and from the sale of the public lands to the great purposes of public education, the improvement of the navigation of rivers, the construction of roads and canals, and such other objects of public improvement as it might be thought proper to add to the constitutional enumeration of federal powers; operations by which as he well remarked, new channels of communication would be opened between the states, the lines of their seperation would disappear, their interests would be identified, and their union cemented by new and indissoluble ties.

It is worthy of remark, that none of the distinguished founders of American liberty stopped to calculate the question of revenue when they recommended this enlightened policy,

designed to increase the prosperity and cement the union of the States. The distinction between Internal Improvements and measures of public defence, upon the ground that the former cannot as rightfully be carried on with the revenues of the State or the use of its credit as the latter, is a refinement of modern times. The statesmen of the Revolution evidently regarded free intercommunication as one of the means of national defence.

Had it been then understood, as is now asserted, that internal improvement is a departure from the legitimate power of government, the opposition of the British King to emigration, and his raising the conditions of new appropriations of lands, would have found no reprobation in the Declaration of Independence, and the improvement of roads and rivers at the public expense would not subsequently have obtained an equal place with the promotion of education in the Executive recommendations of Washington and Jefferson. No such absurdity was then conceived as the proposition, that while a nation may employ its revenue and credit in carrying on war, in suppressing sedition, and in punishing crime, it cannot employ the same means to avert the calamities of war, provide for the public security, prevent sedition, improve the public morals, and increase the general happiness. All the questions now raised were deliberately and decisively settled in the adoption of the policy of internal improvement by this State in 1817. The estimated cost of the Erie and Champlain canals was six millions of dollars, and the whole sum was required to be expended within seven years. The revenues of the State were at that time inadequate to defray the ordinary expenses of the Government without a resort to direct taxation. In this emergency the only question raised, was upon the ability of the State, not upon its right to employ its credit. Unconscious of their resources, the people of this State alternately appealed to the Federal Government for its all-sufficient aid, and tendered to other States a munificent participation in the fruits, as an inducement to them to share the risks of the enterprise.

Notwithstanding the failure of both appeals, no opponent was encouraged to inculcate, as is now profanely held forth, that the attempt to overcome the physical barriers to intercourse between the different regions of the State was an encroachment upon the Divine prerogative. It was resolved on the contrary, that whether the great enterprise was regarded with a view to commerce and finance, or on the more extensive scale of policy, it would evince a want of wisdom and almost of piety not to employ for public advantage those means which Providence had placed so completely within their power. They looked into futurity and attentively listened for the warning which it might send forth, but far from hearing, as is now insanely imagined, the cries and curses of unborn millions, and the maledictions of their own descendants, they were cheered on by voices which assured them that their young and enterprising State would soon be without a rival, that the commerce of half a world would be hers, that posterity would bless forever those who should commence and prosecute the great enterprise to its consummation, and that cotemporaries would vindicate its chief defender against the assaults of his enemies.

It was then asserted, as dogmatically as it is now, that taxation and ruin would be the consequences of Internal Improvement, and estimates of revenue, the correctness of which time has already triumphantly vindicated, were denounced as visionary and chimerical. Phantoms of debt were then, as now, conjured up to an aggregate of boundless millions, and ingeniously apportioned among the citizens, as such debts now are, by imaginary assessments according to the latest census of the State. Notwithstanding all these discouragements, the work was undertaken, stocks were issued redeemable by a subsequent generation, and revenues then existing, revenues created for the purpose, and revenues anticipated from the works to be constructed, were all devoted to the payment of the interest and the extinguishment of the debt. In 1821, the people, by their representatives, assembled to revise their Constitution. The canals were still unfinished, and their results uncertain. Yet no such absurdity was proclaimed as that of excluding Internal Improvement from the subjects of legislative action, nor was the dishonest suggestion of repudiating the public debt for a moment entertained. On the contrary, all that had been done was approved, and the Convention, with integrity characteristic of a just, generous and enlightened people, incorporated into the Constitution the pledges which had been given by the legislature to the public creditor, and made them thenceforth and forever a part of the organic law of the State. These pledges have been sacredly preserved. Ample funds, received from the revenues originally devoted to the enterprise, have accumulated and been set apart for the payment of the debt, although the day for final payment has not yet arrived, and those funds now await the public creditor, a rebuke to terrorists who predicted eternal taxation.

The construction of such works by associations incorporated by the Legislature is denounced as not less unconstitutional and dangerous than their prosecution by the State, and a stranger to our institutions would suppose, from the violence with which all such associations are assailed, that they are innovations upon well settled principles of government. The opponents of internal improvement object to its prosecution by the General Government, by the State Governments, or by incorporations, and would leave it to be carried on only by individual enterprise and with private capital. It is manifest that as there are no private fortunes among us adequate to such enterprises, the exclusion of legislative action and that of corporations, would be equivalent to a prohibition of the system. Such associations had their origin in the necessities of a scanty population, dispersed over a broad territory, requiring extensive improvements, and yet enjoying wealth—limited indeed, but distributed with great equality. They are founded upon that principle of social labor which always obtains in the settlement of new countries. Since it is always their design to invite emigration, and stimulate business, rather than to provide comforts or facilities for a population already dense, their works are not unfrequently profitless.

They are to be considered rather as agents in equalizing and rendering available the contributions of individuals for the public benefit, than as monopolies of wealth. The same principle and form of association are adopted by every other department. Our manufactures are carried on by similar agencies, and our colleges, our public charities, and even our religious societies, are corporations. Their agency has always been employed in constructing works not deemed of sufficient importance to warrant their assumption by the state, and yet of too great magnitude to be constructed by individuals. When the necessities of the country were greatest, their agency was most freely employed and encouraged by the most liberal charters. As those necessities diminish, they are properly regarded with greater jealousy, and the powers and privileges conferred upon them are more carefully restricted. Those who unite in such associations under the sanction of law for purposes of public improvement, necessarily incur the censure of others who happily excuse themselves from every contribution or sacrifice for the public welfare, upon the ground of their objections to the prevailing forms in which such contributions and sacrifices are made. But they may offer in extenuation of their error, that the sublime repose of the Father of his country was occupied with the plans of internal improvement which were to be carried out by means of similar agencies, and that even he did not deem it derogatory to his fame or patriotism to be the President of a canal company, after having worn the highest honors of the Republic.

The policy of loaning the credit of the State to such associations is condemned with unmeasured severity, and you will be required from some quarters to repeal all the laws by which such loans have been authorized. This policy had its origin in 1827, and was thus explained and defended in 1829 by the distinguished citizen who then filled the Executive Chair of this State, and now administers the Government of the United States. In his annual Message to the Legislature he observed: "It will doubtless be attentively considered how far the public burthens arising from the construction of works of internal improvement may be relieved, and the efforts of the State judiciously aided by the encouragement of individual associations for the same purpose. The leading case in which this policy has of late years been adopted, was that of the Delaware and Hudson Canal Company. It gives me sincere pleasure to be able to inform you that it has in this instance been crowned with the most cheering success. The cost of this canal is said to have been $1,875,000, and of that sum $500,000 have been obtained upon the credit of the State, which holds for its security the first lien upon the canal.—There is no reason to apprehend the slightest loss or inconvenience from the measure adopted to assist the Company. How far you can, consistently with other claims upon your favor, extend the relief they ask, will, I am confident, receive an impartial and just examination and decision at your hands."

An additional loan of the credit of the State to the Delaware and Hudson Canal Company, to the amount of three hundred thousand dollars followed this recommendation. The policy has been further carried out by loans to rail road companies. Capital to an amount equal to the sums for which the credit of the State is pledged has been derived from Europe. Upon the inducement held out by the Legislature, it has been paid to citizens of this State and expended by them in the construction of works of internal improvement, with a view to the profit of our citizens, and the improvement and advancement of portions of the country which have not participated equally with other regions in the benefits of works constructed by the State. I will not stop to present the ruinous effects which a repeal of the laws in question would visit at this crisis upon the prosperity of the State. If to maintain the public faith involate, it were necessary to argue from the inconveniences which would result from its violation, that faith would not be worth defending.

The people of the State are intelligent and enlightened, their legislature is elected by their free and universal suffrage; they understand fully the measures discussed at the capitol, and their constitution secures accountability by bringing before them at short and stated periods their representatives in every department. It is among the happy results of American constitutions, that the people have proved themselves more watchful in the guardianship of the public treasury, more enlightened in the selection of objects of public munificence, and more scrupulous in the discharge of national obligations, than those who have administered any other form of Government. It is not from such a people that a violation of public faith is to be apprehended. The proposition to repeal these laws, if made at any other time, would have passed unnoticed; but when presented at a crisis like the present, it seems to proceed from a perverseness of moral sentiment, the very recklessness of which is ordained by a wise Providence as the most effectual security against its evil designs.

Within the period of twenty-three years, which has elapsed since the adoption of the policy of Internal Improvement, the following works have been completed, and are now in successful operation: the Erie Canal, connecting the Hudson river at Troy and Albany with Lake Erie at Buffalo, 371 miles long; the Champlain Canal, connecting the same noble river, at the same points, with Lake Champlain at Whitehall, 79 miles; the Oswego Canal, connecting the Erie Canal at Syracuse with Lake Ontario at Oswego, 30 miles; the Cayuga and Seneca Canal, opening a navigation from the Lakes thus named to the Erie Canal at Montezuma, 23 miles; the Delaware and Hudson Canal, from Rondout on the Hudson to the Delaware river, 81 miles, and continued by Railroad to the coal beds of Pennsylvania; the Crooked Lake Canal, connecting the Crooked Lake with the Seneca Lake, and thus with the Erie Canal, 8 miles; the Chemung Canal, connecting the Chemung river at Elmira with the Seneca Lake, and thus with the Erie Canal, 28 miles, with an extension to Corning, 16 miles; the Chenango Canal, connecting the Susquehanna river at Binghampton with the Erie Canal at Utica, 97 miles; a continuous line of Railroad from Albany to Auburn, 170 miles; a similar line from Lockport to Lewiston and Buffalo, 47 miles; a Railroad from Rochester to Batavia, 35 miles; a Railroad from Schenectady to Saratoga Springs, 21 miles; a Railroad from Troy to Ballston Spa, 25 miles; a Railroad from Brooklyn to Hicksville, on Long Island, 27 miles; a Railroad from the termination of the West branch of the Chemung Canal to the Tioga Railroad in Pennsylvania, 14 miles; a railroad crossing the ridge between the Susquehanna at Owego and the Cayuga Lake at Ithica, 29 miles; and a railroad from the line of Massachusetts at West Stockbridge, to the city of Hudson, 30 miles.

These works constitute the Internal Improvements which have been made in this State, exclusive of turnpikes, Macadam and common roads. They collectively exhibit 736 miles of canals and 406 miles of railroads. All the canals, except the Delaware and Hudson, were constructed by the State, and all the railroads, together with the Delaware and Hudson Canal, were built by incorporated associations. From the various acts by which their construction was directed or authorized, the following principles may be deduced as settled in the policy of the State:—That it is not only the right, but the bounden duty of the Legislature to adopt measures for overcoming physical obstructions to trade and commerce in this State, and for furnishing to each region, as far as reasonably practicable, facilities of access to the great commercial emporium of the Union, fortunately located within our own borders; that whatever contributes to increase the prosperity of the city of New-York is beneficial to every part of the State; that it is of paramount importance to provide such channels and thoroughfares as will render tributary the trade of other States, and especially that of the territory bordering on the shores of the great western lakes; that it is just and wise to equalize the advantages of Internal Improvement by the construction of auxiliary or lateral works, as far as the physical formation of the country and a judicious use of the public funds will permit: that the Legislature may direct the construction of such works at the expense of the State, or authorize their construction by associations, and may aid them by loans of the credit of the State upon conditions of perfect indemnity; that taxation for purposes of Internal Improvement must necessarily be unequal, and would become oppressive; that the system can be carried on to the full extent of the exigencies of the State with a judicious use of the revenues to be derived from the public works themselves; and that it must at no time be so far extended as to hazard the necessity of taxation to pay the interest or principal of the debt created for that purpose.

Let us next inquire what have been the financial results of this policy, so far as it has been carried in the construction of works already completed. The cost of all the completed public works has been $12,072,032 25, which sum was borrowed chiefly at 5 per cent. Of this amount, excluding the Erie and Champlain Canal debt, for the payment of which a fund has accumulated and been set apart, there remains unpaid the sum of $3,476,839 66, which is not yet due.—The surplus revenue from the canals during the last year was $1,057,802 74. This revenue is sufficient to pay the balance of the debt for their construction, with interest thereon, in less than four years, and is equal annually to almost 9 per cent. upon the entire cost of all the canals. It is surely not unworthy of consideration, that these results have been attained with the use of capital which otherwise would not have reached our shores. Nor ought it to be forgotten that the policy has also called into action associated capital to the amount of about nine millions of dollars, which has been expended in the construction of public improvements, by which the value of agricultural productions has been sustained, labor encouraged, industry stimulated in all its departments, and new facilities of communication opened in various parts of the State.

But how unimportant is the increase in the revenues of the Government, compared with the more extensive commercial, agricultural and political results affecting the condition of the people of this State. The navigable waters of the State,

open to direct commerce with the city of New-York in 1817, scarcely exceeded three hundred miles in length. It is less than forty years since Quebec was generally regarded as the destined mart of the northern regions of this State, and Baltimore and New-Orleans confidently anticipated the trade of our south-western frontier. The commerce of the State has now its wharves on her lakes, rivers and bays, along an extent of twelve hundred miles of canals in other States, and three thousand miles of lake coast, accessible through our artificial channels. By means of these improvements, the advantages of navigable communication with the city of New-York have been distributed over a territory of twenty-five thousand square miles, equal to one-half of the surface of the State, and already sustaining more than one-half of its population. Their effect in equalizing the local advantages of the different portions of the State is proved by the facts that the average population per square mile of the regions thus opened to commercial intercourse is forty-eight, while that of the regions thus accommodated is only seven. Buffalo and Oswego, Binghampton and Elmira, which nature seemed to have excluded from commerce with New-York, now enjoy greater facilities of access than Utica did before the canals were made; and Chicago, a thousand miles distant, exchanges her productions for the merchandise of the same city at less expense and with less delay than Oswego could have done at the same period.

The wheat of Chautauque county, on the border of the State, displaces that staple on the shores of the Hudson; and Orange and Dutchess cheerfully relinquish its culture for the more profitable agriculture required to furnish the daily supplies of a great city. Lumber from Tompkins and Chemung, and ship timber from Grand Island, supply the wants of the city of New-York. Iron from the banks of the Au Sable is exchanged for salt from Onondaga. The gypsum from Madison and Cayuga fertilizes the fields of Pennsylvania, and the coal of that State is moving to supply the place of the forests of the west. Railroads have immeasurably increased the facilities of intercourse, and expedited the transmission of intelligence. Political influence and power are distributed among the cultivators of the earth, and our State, from an inferior position, has risen rapidly to unquestioned ascendancy in the Union. The clouds which so often rise over the commercial cities of Europe, cannot cast a permanent gloom over the prosperity of a State, which, according to the sentiment of Jefferson, has wisely secured herself by the improvement of roads, canals, rivers, education, and the other great foundations of national prosperity and union. A people thus enriched will not abandon the system to which they owe their wealth, because the agents by whom it has been conducted may have erred or been unfaithful; nor will they be stopped in their career by obstacles which time must diminish and enterprise will overcome.

The prudence, moderation and economy which are now recommended, will only reinvigorate our energies and confirm our ability to prosecute this system until every part of the State shall enjoy its inestimable advantages. The pressure which has fallen upon the country cannot long continue. No commercial fluctuations here or abroad can permanently repress the enterprise of the people, or check the progress of the State in wealth and population. Our canal revenues improve even under the most adverse circumstances, and although they may be stinted in their increase for one year, or for two years, they will soon regain their progressive power.

Unlike other communities, this State borrows no money for purposes of war or defence, to pay salary or pensions, or the interest or principal of former loans, or even to endow institutions of learning, benevolence or religion. Her income is sufficient for her wants without taxation; the value of her productive property is double the debt she owes; her surplus income is double the interest she is required to pay; and the revenues derived from her canals, if judiciously managed, will be adequate to every enterprise which the interests of the People shall demand.

The rapidity with which the system of Internal Improvements shall be prosecuted, and consequently the period at which its full advantages shall be realized, depend not altogether upon the Legislature. The Federal Government holds in trust for the States almost a thousand millions of acres of land, the value of which, at the lowest government price, is one dollar and twenty-five cents per acre. This immense domain, the property of the States, was ceded by them to the General Government, as their trustee, for their common interest and benefit. In 1790, Congress very properly pledged the avails of the public lands for the payment of the national debt. That debt has been discharged. The revenues which the Federal Government derives from imports should be sufficient for all its expenses, and that Government has no legitimate right to use the proceeds of the public lands. It neither constructs works of Internal Improvement nor establishes systems of education. The State Governments are charged with these responsibilities, and with the regulation of their own municipal affairs. The sum which has been received into the Federal Treasury from the sales of lands exceeds fifty millions of dollars. A bill passed both houses of Congress making a distribution of these proceeds, but was lost for want of the Executive approval. The proportion of these avails which equitably belongs to this State would relieve her from the necessity of delaying or postponing the prosecution of any one of the public works already undertaken, and would enable her to assume others in which her citizens have engaged. Her interest in the immense domain remaining unsold is a resource which would enable her to extend her improvements until no dwelling within her borders shall be distant more than fifteen miles from the means of rapid communication.

New-York need not solicit the Federal Government, as is proposed in some quarters, to assume or guarantee the payment of the debts of the several States, upon a pledge of the public lands. Her credit needs no such extraneous support, and her enterprize might be crippled by the nation's guaranty of the credit of other States, upon whose legislation she can have no check. Her interest is the common interest of all the States. Her prosperity is indissolubly connected with theirs. Her works of internal improvement, magnificent as they may be, will nevertheless only constitute a part of that great system which the enlightened mind of Washington foresaw would open channels to the Atlantic Coast for the productions of the West, and bind the States in indissoluble bonds of affection and interest. Her prosperity is increased by all that advances that of any of her sister States, and she suffers soon and severely every calamity that falls upon them. She learns with surprise, from the annual message of the President of the United States, that although the Federal Government has unlimited possession of the imposts upon foreign commerce, and derives fifteen millions annually from the city of New-York alone, its revenues from that source are deemed insufficient for its ordinary expenditures. She hears with astonishment the suggestion made by the President, in violation of every principle of enlightened economy, of magnanimous policy, and of the established and often recognized conditions of the trust to consume the revenues arising from the sale of the public domain for the ordinary purposes of Government, and thus prodigally waste, in temporary and often needless and extravagant expenditures, the richest inheritance that Providence ever bestowed upon any people.

The canals of this State have opened the way for emigration to that domain, have furnished facilities for the transportation of its productions, have immeasurably enhanced its value, and thus have greatly contributed to increase the revenues which it has poured into the national treasury. She may, therefore, with peculiar justice demand a division of those revenues, and a partition of the national domain. The wants of many of the States will induce a more favorable consideration of a policy so eminently enlightened, just and equal; and it cannot be reasonably doubted that the voice of the people of this State, if clearly expressed in its favor, would meet with a hearty response from every part of the Union. It is demanded not only upon the grounds of justice and financial expediency, but by considerations deeply affecting the public liberty and the maintenance of our institutions, since the possession of this domain, and the control of the large revenue derived from it, cannot fail to increase the preponderance of the Federal Government.

The cursory view which has been taken of the condition of the State and the measures requiring your consideration, was perhaps unnecessary to produce a conviction that you have been called to your high trusts at a period when you will be embarrassed by extraordinary difficulties, and when your discharge of those trusts will be regarded with great solicitude. It is not a time to aggravate existing evils by sudden and violent changes of policy, bold experiments, or rash innovations. The immediate welfare of the People, and their permanent prosperity, will be better promoted by a steady adherence to the settled policy of the State, with economy and retrenchment in its prosecution, and by the preservation of institutions intimately connected with that policy and with the various individual interests of our fellow citizens. Nor ought we to forget that the counsels of government are ineffectual to promote the common welfare, if they are not guided by that sense of dependence upon Divine favor, which the remembrance of past blessings is so well calculated to inspire.

WILLIAM H. SEWARD.

Albany, January 7th, 1840.

Wednesday, Jan. 8.

In the Senate to-day, Dr. R. M. Meigs of Albany was chosen Sergeant-at-Arms, and Mr. Philip M. De Zeng of Chenango Co. Door-Keeper, in place of the incumbents, who have held for many years without reelection. A spirited party debate preceded these elections. The vote stood 18 to 10 and 19 to 10. Gen. Root introduced a series of resolutions proposing Amendments to the Constitution of the U. States to restrict the occupancy of the Presidential Chair by any individual to a single term.

In the House, the day was devoted to an animated debate on a bill introduced by Mr. P. B. Porter, to change the tenure of the office of State Printer from an unlimited one to a specific term of five years, reduce its emoluments, and constitute Thurlow Weed State Printer in place of Edwin Croswell.—The bill passed through the Committee of the Whole.

Adjourned.

☞ The Whigs of Connecticut will hold their Convention to nominate State Officers at New Haven on the 15th inst.

XXVIth CONGRESS.

IN SENATE.....*Friday, Jan. 3.*

Messrs. Grundy of Tenn. and Dixon of R. I. appeared and took their seats. Mr. Calhoun introduced a bill for the cession of the Public Lands to the several States in which they lie.—It was referred to the appropriate Committee. At the suggestion of Mr. Clay of Ky. Mr. Southard moved a reconsideration of the reference. A spirited debate then sprung up between Messrs. Calhoun and Clay. The latter gave as a reason of his wish to reconsider the reference, that four of the five gentlemen who compose the Committee on Public Lands are from the new States, and he wanted the old States to be more fully represented in its disposition. He was followed by Messrs. Preston of S. C. and Allen of Ohio, in opposition to the bill. The question of reconsideration was then taken, and decided in the negative by the following vote:

Yeas—Messrs. Betts, Clay of Ky., Clayton, Crittenden, Davis, Dixon, Knight, Merrick, Phelps, Prentiss, Preston, Ruggles, Southard, Wall, White of Tenn—15.

Nays—Messrs. Allen, Benton, Brown, Buchanan, Calhoun, Clay of Ala., Grundy, Henderson, Hubbard, King, Linn, Lumpkin, Mouton, Nicholas, Norvell, Pierce, Roane, Robinson, Sevier, Smith of Conn., Smith of Ia., Strange, Tappan, Walker, White of Inda., Williams, Wright, Young—28.

After which, the Senate adjourned over to Monday.

HOUSE OF REPRESENTATIVES.

The time and attention of the House were occupied by a heated debate between Messrs. Bynum and Stanley of N. C., caused by some expression which the former had used in relation to the latter. Mr. Keim of Penn. announced the death of his colleague, the Hon. W. M. Potter, accompanied with appropriate and feeling remarks; and the House then adjourned in respect to the deceased.

On Saturday the Senate did not meet.

In the House, Mr. Evans of Me. introduced a bill for the payment of the Members—the money appropriated for that purpose having been expended—which was immediately passed. Mr. Ramsey of Penn. moved a suspension of the Rules, to enable him to present a petition from his constituents asking for an examination of the 'frauds' by which Mr. Naylor had been enabled to take his seat, in defiance of their rights. The question of suspending was taken and lost: Yeas 118; Nays 67—not two-thirds. Mr. S. Williams of Ky. presented a resolution, which was passed, that the memorials and petitions of the last House remaining unacted upon, be again referred to the several Committees which had them in charge. Mr. Brown of Tenn. offered the following Resolution, amendatory of the Constitution, which the Speaker decided to be out of order:

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, two-thirds of both Houses concurring, That the following amendment to the Constitution of the United States be proposed to the Legislatures of the several States, which, when ratified by the Legislatures of three-fourths of the States, shall be valid, to all intents and purposes, as part of the Constitution, to wit:

"No person who shall hereafter be elected, and shall serve the period of four years as President of the United States, shall be again eligible to that office."

Mr. Jameson of Mo. offered a Resolution announcing the death of the Hon. Albert G. Harrison; and, after the usual testimony of respect, the House adjourned.

On Monday, in the Senate, several petitions were presented and appropriately referred; one of which was by Mr. Clay from certain individuals, asking a grant of land in the Oregon Territory, with proper protection. Mr. Wright, from the Committee on Finance, reported a bill to provide for the collection, safe-keeping and disbursement of the Public Moneys, without amendment; also, another for punishing defaulters, with an amendment; and gave notice that on next Monday he would call the consideration of the Senate to these bills. Mr. Clay offered a bill amendatory of the several acts in relation to copy-right: Referred. The bill from the House, making appropriation for the payment of the Members, was read three times, amended and passed.

In the House, Mr. Calhoun of Mass. announced the death of the Hon. James Alvord, Member elect from Mass., and the usual resolution in regard to wearing mourning was passed; and the House adjourned.

In the Senate, on Tuesday, Mr. Benton's resolutions adverse to the assumption of State Debts by the General Government, were called up on motion of Mr. Lumpkin, of Ga., who has offered a substitute for them. Messrs. Grundy, of

Tenn., and Preston, of S. C., expressed themselves opposed to the resolutions; and on motion of Mr. P. that they be laid upon the table, Mr. Clay, of Ala., demanded the Yeas and Nays. The result was, Yeas, 16; Nays, 25. They were then referred to a select Committee of seven in accordance with a motion previously made by Mr. Grundy.

The Senate then proceeded to the order of the day—the Bill for the armed occupation of Florida. Mr. Benton spoke in defence of the Bill; and was succeeded by Mr. Tappan of Ohio, against it. Mr. Preston followed on the same side as the latter, when the Senate adjourned.

In the House, the subject of the New-Jersey contested seats was brought up, and occupied all the day. Mr. Campbell, of S. C. offered certain resolutions to bring the whole subject to an investigation before the Committee on Elections. Mr. Bell, of Tenn., also presented other resolutions to the effect that the Adm. claimants are not entitled to their seats, and that the five Whig Members should not be allowed their seats until the House decided upon their claims. After some debate a motion was made to suspend the Rules in favor of Mr. Campbell's resolution, and carried—Yeas, 122; Nays, 23. Mr. Bell then offered his resolutions as an amendment to Mr. C's., and spoke at some length. He was followed by Mr. Duncan of Ohio, in continuation of a speech begun two weeks ago on the merits of the N. J. question, and the House adjourned.

Congressional.—Nothing of importance was done in the House on Wednesday. The New-Jersey case was under discussion, and was likely to occupy some time yet.

In the Senate, Mr. Sevier of Arkansas presented a bill, asking for a further appropriation of $85,000 for clearing out the raft in the Red river. It passed to a third reading.—The bill for the armed occupation of Florida also passed to a third reading. Nothing else of interest was effected.

Massachusetts.—The report of the Joint Committee appointed to count the votes for Governor at the recent election, was to have been made on Wednesday last. A letter dated at Boston, 6th inst., and published in the Evening Post of this city on Wednesday afternoon, stated the result arrived at by the Committee as follows:

For Morton, (Adm.)	.....	51,031
" Everett, (Opp.)	.....	50,725
Scattering	.....	306—51,035

Majority for Marcus Morton FOUR!

No votes were found for Maria Chapman.

The Boston papers that we have since received do not confirm this intelligence, and we only give place to it because it is said to have originated from some member of the Committee above mentioned.

Sixth District.—The returns from this District as counted by the Governor and Council, elect Osmyn Baker to fill the vacancy caused by the death of Mr. Alvord, by a majority of 80. They are as follows:

For Osmyn Baker, Whig	.....	2,581
Israel Billings, Whig	.....	451
Rodolphus Dickinson, Adm.	.....	2020
Scattering	.....	30—2,501

Majority for Baker over all, 80.

The votes of three towns—Leverett, Ashfield and Chesterfield—were not counted; the election in the first, and the returns from the two last being illegal. We believe, however, that Mr. Baker had a clear majority of all the votes cast.

Maine.—The Legislature of this State assembled on the 1st instant. Hon. Stephen C. Foster, (Adm.) of Washington County, was chosen President of the Senate, and William Trafton, Esq. Secretary. The House was organized by the choice of Hannibal Hamlin, Esq. as Speaker, and Elbridge Gerry, Clerk. The vote for Speaker was as follows:

For Hamlin, (Adm.)	.....	103
" E. H. Allen, (Opp.)	.....	58

The Committee appointed to count the votes for Governor at the late election reported the following as the result:

For John Fairfield, (Adm.)	.....	41,038
" Edward Kent, (Opp.)	.....	34,749
Scattering	.....	208
Fairfield's majority over all	.....	6,081

The Message of Gov. Fairfield contains a correspondence etween himself and Gov. Harvey of New-Brunswick, establishing the fact that the Disputed Territory is now occupied by an armed British force, stationed at Lake Temiscouta, contrary to the provisions of the agreement entered into through the mediation of Gen. Scott. A communication to the Executive of the United States, dated Dec. 23, 1839, calls upon that functionary to carry into effect the act of Congress of March last, which provides for the repelling of such invasion.

Pennsylvania.—The Legislature assembled at Harrisburg on Tuesday last. In the Senate William T. Rogers, of Bucks county, was elected President. In the House, William Hopkins, of Washington county, was chosen Speaker. Gov. Porter transmitted his Message to the Legislature on Wednesday. We have neither time nor space to glance at its contents.

The Committees of the House.—Mr. Speaker Hunter appears to have given very general satisfaction by his selection of Committees. He has given an Administration preponderance in the Ways and Means and Foreign Affairs, Military and Naval, as was fitting, while the Opposition control the Commerce, the Judiciary, the Territories, and Committees on the Public and Department Expenditures. The Committee on Elections is very nicely balanced, as was right. There are four Members of each party (counting Mr. Fisher of N. C. Adm. as he appears to be thoroughly,) and Mr. John Campbell of S. C. for Chairman. Mr. Campbell belongs to neither party, and votes indifferently with either—oftenest with the Opposition, being averse to the Sub-Treasury. We believe he will be anxious only to do justice in this case and indifferent as to which party may prove triumphant.

In the Committees on the Post Office, Public Lands and Claims, the Administration have the advantage, though the last two have Opposition Chairmen, which nearly balances the odd Member; the District of Columbia, Manufactures, and Roads and Canals, incline to the Whigs; the Indian Affairs is nominally Whig by 5 to 4, but composed of men pledged to support the Indian Removal policy of the Admin istration. On the whole, though the Administration party has been accorded that advantage which is due to its position and its numerical preponderance, the Opposition have their fair share, and may well be satisfied. Above all, the character of most of the important Committees is a guaranty that their duty will be promptly and ably discharged.

Hon. Daniel Webster was warmly welcomed back by the Whig Members of the Massachusetts Legislature, who, together with a large number of citizens, assembled at the Capitol, on Monday evening last for that purpose. He was congratulated by the Chairman, the Hon. Daniel King; and responded in an eloquent speech of more than an hour's duration. The meeting is represented to have been extremely enthusiastic.

☞ Gen. Jackson passed through Nashville on the 26th ult. on his way to New Orleans.

☞ There is a rumor by the last Mail from New Orleans that the Mexican Federalists have taken Matamoras.

FROM ENGLAND.

The packet ship England, Captain Waite, from Liverpool, arrived here on Saturday last with dates to the 7th of December, ten days later than heretofore received. The United States arrived on the same day. The intelligence brought by these arrivals represents the Money Market to be rather improving. Cotton had declined ¼d per lb. American Stocks had slightly advanced, viz:

Louisiana 5's, 87; Maryland do. 75; New York State 5's, 82¼; do. city, 75; Ohio 6's, 87; Pennsylvania 5's, 75; U.S. Bank shares, £16 17s 6d; do. 6 per cent. Bonds, 93, payable 1841 and 2.

Parliament, it was thought, would assemble about the middle of the present month.

The Great Western arrived at Bristol on the 30th of November, having left here on the 16th.

Mr. Stevenson, our Minister, and lady had returned to London from their tour at the North.

The decease of the only child—a daughter—of Lord Brougham, is mentioned in the papers.

The course which the Government intend to pursue in relation to the Chinese difficulties has not yet been indicated, except that a refusal has taken place as to remunerating the owners of the opium seized by the Chinese authorities.

From France.—The packet ship Iowa, Capt. Pell, arrived at this port last Wednesday morning from Havre, bringing dates from that city and Paris to the 8th of December—three days later than heretofore received. By this arrival we have accounts of a disastrous loss to the French at Algiers, in an engagement with the Arabs under Abdel-Kader. The energies of the French, it is said, will be concentrated at this point; and 25,000 men will be immediately sent out to revenge the loss of their countrymen.

An embassy is fitting out to the Emperor of Morrocco, threatening him with signal punishment if he affords the slightest assistance to Abdel-Kader.

Marshal Valeé is to be superseded in the command of the French army by Gen. Cubieres.

There is a report that Mr. Guizot will be brought into the Ministry. He is favorable to the measures of Louis Phillippe. Thiers and Count Molé have been dropped.

Three Days Later.—By the Hibernia, which arrived yesterday from Liverpool, we have dates to the 11th. The most important news by this packet is that contained in a letter from Alexandria, which states that the Arabs had attacked the English port of Aden with 3,000 men. They were kept at a distance by the 400 British soldiers of the port.

The Money Market was slightly depressed. The Rothschilds had contracted to supply the U. S. Bank with a loan of £1000,000, upon State Stock Security.

The French operations against Algiers are in active progress.

There is no news of importance from China.

☞ The Whig Members of the Kentucky Legislature have held a meeting and approved the nomination of Harrison and Tyler.

☞ Treasures buried by Gibbs, the pirate, have lately been found in the sand on Coney Island Beach, amounting to some thousands of dollars.

☞ The ninety days allowed by law for the suspension of the Philadelphia Banks expired last Tuesday. The Leger of that city says that they have not yet resumed specie payments.

☞ The organization of the Municipal Government of Boston took place on Monday last. The oath of office was administered to the new Mayor, Jonathan Chapman, by Chief Justice Shaw.

☞ We are so crowded with the Governor's Message as to prevent the publication of much editorial matter already prepared—also an interesting sketch of the proceedings at Washington. We are obliged to lay them over until next week.

A CARD.

The undersigned has much pleasure in announcing that, with and from the appearance of the next number of The New-Yorker, Charles F. Hoffman will be associated with him in the Editorial conduct of this paper. This arrangement is for the present limited to the three ensuing months; but it is our hope and expectation to renew and render it permanent thereafter, the public sustaining us. During the sojourn of the subscriber at Albany for the next few weeks, his exertions in behalf of The New-Yorker will be unintermitted; but it will be understood that the opinions herein expressed on Literary topics will emanate from Mr. Hoffman; while those on Political and kindred topics may be attributed, as heretofore, to H. GREELY.

☞ Mr. J. C. Watts, who has assisted the subscriber for some weeks, will be connected with Mr. H. in the conduct of The New-Yorker. He will devote himself more particularly to the department of General Intelligence.

Married,

On New-Year's Eve, in this city, by Elder Isaac N. Walter, Mr. Richard Valentine to Miss Caroline Matilda Overton.

On New-Year's morning, by the same, Mr. William Matthews to Miss Rachel DeForrest.

Jan. 9, by the Rev. Aaron Perkins, Mr. Alfred P. Arnold to Mrs. Maria Wendover—all of this city.

Jan. 6, at Clinton place, N. J., by the Rev. B. W. Bertine, of Newark, William K. Belcher, merchant, of this city, to Caroline Evelyn youngest daughter of States M. Mead, Esq., of the former place.

Dec. 26, in this city, Henry P. Hoyt, Esq. to Miss Emily Kissam, 3d daughter of the late Dr. Richard S. Kissam—all of this city.

Jan. 4, William Herman Allen to Susan Meetz Donnelly, both of this city.

Died,

Jan. 2, in this city, Mr. Thomas Norris, in the 34th year of his age, much respected by his friends. He was a member of the Manhattan Lodge No. 29, T. O. of O. F.

Dec. 29, at Hempstead Village, L. I., Mrs. Mary E. Mapother, 24.

Dec. 29, at Hempstead Harbor, L. I., Rev. Ralph Williston, 65.

Dec. 29, at Fort Neck, L. I., Cornelia H. Jones, 43.